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The Attorney General UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Ref made to let from Senate Select Committee, dtd 3/19/75, req documents & other info from FBI. Attached for ur approval & forwarding to Committee is original of memo which responds to Committee's req for table of contents of FBI MOR & FBI MOR & those portions of Manuals which pertain to internal security, intelligence collectn, and/or CI matters, ops or activities. A copy of memo encl for ur records. Processing of additional req continuing & further responses will be forthcoming.

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273-10071

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A. GENERAL GUIDELINES.

1. Investigative jurisdiction
FBI investigations under this section are based on specific statutory jurisdiction and Departmental instructions.

Investigations conducted under this section are to be directed to the gathering of material pertinent to a determination whether or not the subject has violated, or is engaged in activities which may result in a violation of, one or more of the statutes enumerated below; or in fulfillment of Departmental instructions.

There are three principal statutes which provide a basis for these investigations, as follows:

- a. Rebellion or insurrection (T18, USC § 2383).
"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States."
- b. Seditious conspiracy (T18, USC § 2384).
"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$20,000 or imprisoned not more than twenty years, or both."
- c. Advocating the overthrow of the Government (T18, USC § 2385).
"Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

"Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

"Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof--

"Shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by

the United States or any department or agency thereof, for the five years next following his conviction.

"If two or more persons conspire to commit any offense named in this section, each shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"As used in this section, the terms 'organizes' and 'organize', with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons."

The courts have interpreted this statute to require advocacy to action, i.e., advocacy to do something, now or in the future, rather than merely to believe in something.

In addition to the three principal statutes outlined above, there are two other statutes which might provide a statutory foundation for an investigation under this section. These are:

- d. [Internal Security Act of 1950 (T 50, USC, § 783a)

In addition to the three principal statutes outlined in subparagraphs a., b., and c., the Internal Security Act could provide a statutory basis for investigation of certain cases under this Section. This Act makes it unlawful to knowingly contribute to the establishment of a totalitarian dictatorship within the United States which is controlled by a foreign government, organization, or individual.]

2. Prosecutive determination

All discussions pertaining to the prosecutive potential of investigations initiated under this section will be conducted by FBIHQ with Departmental officials. These cases should not be discussed with local U. S. Attorney's office without FBIHQ approval.

3. Related statutes

There are a number of other statutes under the FBI's investigative jurisdiction which should be borne in mind in handling these investigations. Information concerning possible violations of such statutes is frequently developed during these investigations. Where this occurs the field should consider the desirability of conducting investigation in line with the policies and procedures governing the statute in question.

A list of other Federal statutes which may arise during these investigations is outlined in an appendix to this manual.

4. Definitions

The term "subversive activities" as used in this section denotes activities which are aimed at overthrowing, destroying or undermining the Government of the United States or any of its political subdivisions by the illegal means prohibited by statutes enumerated in A. 1. above. The term "subversive organization" or "subversive movement" denotes a group or movement which is known to engage in or advocate subversive activities, as defined above.

5. Predication for investigation

In all cases handled under the provisions of this section, the first communication prepared for outside dissemination (report or LHM) should show specifically the statute upon which the investigation is based together with necessary supporting facts. Where investigation has been specifically requested by Department, this should be indicated. The following examples are illustrative; however, the basis for each individual case must be tailored to the circumstances of such case.

- a. "This investigation is based on information that the subject's activities could involve violation of T 18, USC, § 2383 (Rebellion or Insurrection), and § 2384 (Seditious Conspiracy). A source whose reliability has not been determined has informed that the subject is planning, along with others, to travel to Washington, D. C., on April 30, 1971, to participate in planned violent demonstrations during the first week in May, 1971, to 'shut down the Government.' Demonstration plans include the blocking of streets and highways, destruction of personal and Government property, and physical obstruction to prevent Government employees from reporting to work."
- b. "This investigation is based on information that the subject's activities could involve a violation of T 18, USC, § 2385 (Advocating the overthrow of the Government). The subject is an admitted member (or has been identified as a member by a confidential source who has provided reliable information in the past) of (name of group). The (name of group) in its public statements and publications advocates the desirability and necessity of overthrowing the U. S. Government by force or violence, and the assassination of U. S. Government officers. The same source has reported that the subject actively supports these positions."

Where possible, the first intra-Bureau communication prepared which indicates that investigation is being [conducted] should specifically indicate the statutory basis for the investigation. However, there may be occasions involving individuals or groups in contact with known subversive elements where the purpose of the contact is not initially known and where a preliminary inquiry must be made to determine whether a statutory basis exists for full investigation. In these instances, a preliminary inquiry may be undertaken, through established sources, for a period not to exceed 90 days, without specifically indicating the specific statutory basis for the inquiry. If after the conclusion of 90 days it has not been possible to establish a statutory basis but further inquiry appears necessary, FBIHQ must be furnished a succinct summary of the facts by letter together with specific recommendations as to further action. In all cases, of course, investigations must be based on indications that subject may be engaged in subversive activity, whether or not a specific statutory basis is cited.

In the event preliminary inquiries fail to establish a sound basis for investigation, the case should be promptly closed and there is no need to advise FBIHQ (unless FBIHQ has been previously advised of the inquiry). Nor is there any need to prepare an LHM or report where no pertinent subversive derogatory information has been developed.

If the statutory basis for an investigation should change or be expanded to include an additional statute or statutes, the first communication prepared subsequent to such change or expansion should specifically show such changes. Similarly, this information should be included in the next report or LHM prepared in the case.

6. Accuracy of characterizations
Assure that statements relating to characterizations of an individual or organization, or relating to affiliations with or membership in any organization, are founded on firm bases. Identify sources for such characterizations or statements of affiliation or membership if such characterizations, affiliations or memberships are not commonly and publicly known.
7. Investigations and contacts with individuals connected with institutions of learning
 - a. Prior FBIHQ approval is required to:
 - (1) Institute investigation of a faculty member or an organization connected with an educational institution.
 - (2) Interview any student or faculty member who is not an established source. (Requests to conduct interviews must include individual's name, position, and an assessment of his reliability and discretion.)
 - b. Contacts with established sources in an administrative capacity may be made on campus. Contacts with other established sources, e.g., students and nonacademic employees, should be made off campus.
8. Use of officers from other agencies
Members of other law enforcement or intelligence agencies are not to accompany Agents handling these investigations without specific approval by the SAC.

B. INVESTIGATION OF ORGANIZATIONS

1. Purpose
To develop evidence of any violations of statutes enumerated in A. 1. above and to keep the Department and other agencies and officials of the Executive Branch apprised of information developed which pertains to their areas of interest and responsibility.
2. Responsibility to initiate investigations
When information is received indicating an organization may be engaged in subversive activities or may be a front group for subversive organization, field office should initiate preliminary investigation confined to established sources. Notify FBIHQ that investigation has been undertaken. Within [90] days submit results by letter with recommendation as to whether or not further investigation is warranted.
3. Scope of investigation
Pertinent data concerning following items should be obtained and reported:
 - a. Origin and scope
Date and circumstances of founding including any incorporation data. Identities of organizers. Location of headquarters and chapters or affiliates, if any.
 - b. Stated aims and purposes, especially any information showing advocacy of violence or illegal activity.
 - c. Officers
Principal officers and/or leaders with succinct resume of subversive backgrounds, if any.
 - d. Membership
Total active membership, including logical breakdowns by organizational structure and geographical area, if applicable. If exact membership figures are not available and estimates are given, be certain they are plainly shown as estimates. In cover pages or cover communications, include evaluation of reliability of membership figures cited, as well as comments concerning any significant factors involving membership, e.g., increases or decreases, notable shift in composition of group by age, sex, nationality, etc. Be certain to secure accurate description of all lists referred to so as to avoid confusion as to exact identity or significance of such lists.
 - e. Publications
All publications of group with emphasis on any which clearly depict subversive character of organization.

Furnish FBIHQ with copy of publications which portray subversive character of group or which advocate violence. Ascertain sources of funds for publications. When it is operated as distinct entity, a separate investigation should be initiated concerning the publication.

f. Finances

Sources of funds and nature of expenditures, in particular whether any income is received from or contributions made to foreign elements.

g. Connections with other groups

Develop pertinent information concerning ties with other subversive elements including material and/or moral support given or received. Be especially alert to detect connections with foreign subversive elements or indications of foreign allegiance or control. Also determine and report any significant connections or cooperation with nonsubversive groups.

h. Activities

Describe activities of group. Afford special emphasis to any underground operations or activities involving violence or threatened violence. Include any pertinent data showing success or failure of organization in achieving its stated goals.

4. Infiltration of nonsubversive groups

a. General

When information is received indicating that subversive group is seeking to systematically infiltrate and control a nonsubversive organization, available data should be submitted by letter with recommendations as to initiating active investigation. Recommendation to undertake investigation should be supported by available background information concerning target organization (including name and locations, estimated membership, principal officers, and nature of activities) and resume of extent of subversive infiltration efforts (including identities of known subversives who have joined target organization and positions held), provide brief statement as to investigation planned. If approved by FBIHQ conduct discreet investigation limited to determining and reporting activities which are related to or in furtherance of subversive infiltration. These instructions apply to local chapters or affiliates as well as national organization.

b. Caption and preface

Captions of communications should show that subversive infiltration of target organization is objective of investigation, not organization itself, e.g., "Infiltration of (Name of target organization) by (Name of subversive organization)." All communications prepared for dissemination should carry prefatory statement which clearly conveys this point, e.g., "This investigation is directed solely towards establishing the extent of infiltration, domination, or control of the (Name of nonsubversive organization) by the (Name of subversive organization). It is not concerned with the normal activities of the (Name of nonsubversive organization)." In addition, preface should succinctly show the predication for out investigation of the subversive group involved.

c. Limitations on investigation

(1) Other than with established sources, no interviews should be initiated with members, leaders, or officers of infiltrated organization without prior FBIHQ approval (except where they can be handled by suitable pretext). However, this does not preclude accepting information volunteered to FBI.

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- (2) Informants and sources should not be directed by FBI to join or participate in activities of target organization. However, if subversive group requests informant to do so, latter may comply.
- (3) Be certain all persons interviewed, including informants, are aware that FBI is not interested in normal activities of target organization but solely in efforts to influence or control the organization by subversive elements.

d. Conversion to full scale investigation

If target organization becomes completely dominated and controlled by subversive elements, advise FBIHQ on UACB basis that full investigation is being initiated as subversive organization. Drop infiltration designation from title of case.

5. Subversive publications

Each office should review [any independent subversive] publications produced in its territory [as contrasted with publications issued by subversive groups which are under investigation, see B. 3. e. above] to determine whether any advocate violations within FBI jurisdiction. If so, submit available information by LHM to FBIHQ with copy of pertinent material and make recommendations as to further action. Insure that FBIHQ is aware of all subversive publications with brief identifying data.

6. Investigative steps

Efforts should be made to develop reliable informants at all levels and in all segments of subversive organization.

Live informant coverage should be supplemented by other logical investigation including review of appropriate public records and publications, interviews with former members of group and, on selective basis, through such techniques as physical and photographic surveillance.

7. Administrative and reporting procedures

a. Reporting requirements and status

When necessary data has been developed concerning organization's activities (See B. [3.] above), submit report. After initial report, reports should be submitted semiannually (unless FBIHQ has instructed otherwise in individual cases). LHM may be used to provide FBIHQ or other interested agencies with significant data of immediate interest on an interim basis between reports.

b. Informant coverage

Cover pages of reports should include a brief summary of informant coverage available with respect to the organization, identifying informants who report on the group's activities by symbol number and showing specifically which informants are members of the group.

c. Topical headings

Both reports and LHMs should be organized under logical headings.

d. Character

All cases should use character "Internal Security," e.g., "Communist Party, USA; Internal Security." In case of subsidiary or front group, character should show name or abbreviation of the parent organization, e.g., "Young Workers Liberation League, Internal Security - CPUSA"; "Young Socialist Alliance, Internal Security - SWP." Caption of subversive infiltration cases should include name of subversive group and target organization, e.g., "Infiltration of (Name of target organization) by Socialist Workers Party, Internal Security - SWP."

e. Classification - 100

f. Copies

Furnish 5 copies of reports and LHMs except where instructed otherwise in individual cases.

g. Closing of case

If it is determined subject organization is not currently engaged in subversive activities, submit pertinent facts in closing report.

C. INVESTIGATION OF INDIVIDUALS

1. General policy

a. Purpose

To develop evidence of any violations of the statutes enumerated in A. 1. above and keep the Department and other agencies and officials of Executive Branch advised of information developed which pertains to their areas of responsibility and interest.

b. Individuals to be investigated

Investigations should be conducted to fully identify and determine the activities and affiliations of persons who:

Are reported to be engaged in activities which may result in a violation of statutes enumerated in A. 1. above. This includes individuals who are current active members of subversive organization or movement.

Where formal membership in a subversive movement does not exist, it includes individuals who are actively supporting the subversive goals of the movement.

Priority investigative attention should be given to individuals who are known or suspected of being involved in subversive activities which are of a clandestine, underground, or violent nature.

c. Limitations on investigations

All investigations conducted should avoid nebulous or sweeping inquiries which are not relevant to objectives. Under no circumstances should an investigation be conducted of any individual merely on the basis that such individual supports unpopular causes or opposes Government policies.

d. Investigations requiring FBIHQ approval

Obtain FBIHQ approval for investigation of:

(1) U. S. Government employee

(2) Officials or employees of United Nations or other public international organizations of a governmental or quasi-governmental nature.

(3) Officials or employees of foreign diplomatic establishments or governments, or foreign exchange participants (representatives of foreign countries who are in U. S. as part of official exchange program).

(4) Faculty members of institutions of learning.

FBIHQ approval is not required for investigation of student or nonacademic employees of institutions of learning in the absence of unusual circumstances. If during a pending investigation it is discovered that the subject fits one of above categories, suspend active investigation and advise FBIHQ with recommendation as to further action.

e. Members of United States armed forces

No investigation should be conducted of active [members of U. S. military forces or retirees from the "regular" components of the armed forces who are subject to Article 2 of the Uniform Code of Military Justice and over whom the military retains control (retirees from military reserve forces are not subject to the Uniform Code of Military Justice).] If it is determined that a subject fits in this category, terminate investigation and promptly furnish pertinent data to appropriate counterintelligence branch of U. S. armed forces. Advise FBIHQ in form suitable for dissemination.

[f. Candidates for or occupants of elective public office
Upon learning of the candidacy for public office of a member of a
subversive organization, the office of origin should promptly
furnish FBIHQ with a communication suitable for dissemination
setting forth sufficient identifying data and a brief summary
of the individual's subversive activities together with details
of the individual's candidacy for public office. In the absence
of a violation of a specific Federal statute, no investigation
should be conducted until subject's candidacy for public office
is resolved. Information received during the period of the indi-
vidual's candidacy indicating a specific violation of Federal
law(s) should be furnished FBIHQ by means consistent with the
exigencies of the situation along with recommendations as to
additional action warranted. Other unsolicited subversive infor-
mation received from sources and informants or obtained incidental
to other investigations should be channeled to the individual's
file and, when appropriate, furnished FBIHQ in disseminative form
with recommendations as to additional action warranted.

Results of candidacy in every instance should be furnished FBIHQ
under individual caption. Should the candidate have been defeated,
necessary communication should contain recommendations as to addi-
tional action warranted. Should the candidate be elected, necessary
communication should contain statement that in the absence of
information indicating a specific violation of a Federal statute,
no additional investigation will be conducted. At such time as the
individual ceases to serve in public office, the office of origin
should submit such information to FBIHQ accompanied by recommenda-
tions as to additional action warranted. Should information be
received indicating a violation of a specific Federal statute while
the individual is in office, receiving office should submit pertinent
information to FBIHQ by means consistent with the exigencies of the
situation along with recommendations as to additional action deemed
warranted.]

2. Investigative procedures

a. Scope of investigation.

Data concerning the following items should be developed and reported, if pertinent:

- (1) Background information, including
 - (a) True name and aliases.
 - (b) Date and place of birth. [Where practicable, verify through appropriate bureau of vital statistics or birth registrar.]
 - (c) Residences, past and present.
 - (d) Occupations and employments, past and present.
 - (e) Citizenship status; where applicable, naturalization data.
 - (f) Family background. If available, include identities of immediate family and any information indicating they are employed in sensitive positions or by U. S. Government. If member of immediate family is known to be engaged in subversive activities, include succinct resume.
 - (g) Military records, including any service in foreign forces.
 - (h) Educational background.
 - (i) Arrest record and disposition of charges.
 - (j) Physical description. Make reasonable effort to secure photograph.
 - (k) Handwriting and/or handprinting specimens should be obtained, if readily available, and kept in case file. Special efforts should be made to secure such specimens with regard to leaders of subversive groups and they should be furnished to FBIHQ by letter for attention of FBI Laboratory to be included in National Security File.
- (2) Subversive activities and affiliations, including
 - (a) Information concerning membership in subversive movements, organizations or front groups, date and circumstances of admission, positions held, and participation in activities of organization (e.g., attendance at meetings or other functions, fund-raising or recruitment efforts on behalf of organization, contributions, etc.)
 - (b) Statements made or other factors which indicate awareness of the subversive nature of group, including involvement in underground operations, and/or in any other illegal or violent actions promoted by organization or movement.
 - (c) Information tending to show subject's importance in subversive movement or organization, e.g., degree of influence and leadership exercised, close association with national or local leaders, participation in policy decisions.

b. Investigative steps

The following steps should be considered, but are not all inclusive.

- (1) File reviews. Office indices should be checked. Any pertinent information developed should be included in initial report. Where logical, check files of other field offices and/or FBIHQ.
- (2) Public source material. Make full use of public records and public sources of information, including hearings of congressional or other Government committees both state and Federal, and publications, including those issued by subversive groups.
- (3) Check of files of other government agencies, both Federal and local, which could logically be expected to have pertinent information.

- (4) Records of private firms. Obtain pertinent available information from records of private firms such as past or present employers. Checks of credit agencies should be limited to securing identifying information only.
- (5) Contacts with neighbors and fellow employees. Such inquiries should be made only where there is expectation they will develop pertinent information not otherwise available.
- (6) Canvass of established sources and informants. Contact informants and sources in position to be knowledgeable concerning subversive groups with which subject is affiliated.
- (7) Physical and photographic surveillances. These should be considered on selective basis when circumstances indicate they may be productive.

c. Interviews of subjects

(1) Policy

Subjects of investigation should be interviewed unless there is a sound basis for not doing so. Generally, interviews should be considered after background inquiries have been completed and a good picture of subject's activities developed. If a decision not to interview a subject is made, this should be fully explained in case file and FBIHQ advised whenever FBIHQ is cognizant of investigation.

(2) Purpose

To develop information regarding subversive activities in which the subject is engaged.

(3) Approval to interview

All interviews of subjects may be approved by SAC except following instances which require FBIHQ approval:

- (a) Deleted
- (b) When subject is nationally prominent or where circumstances otherwise indicate the interview could be widely publicized, such as labor leaders, educators, religious leaders or journalists.
- (c) When interview is to be conducted in presence of subject's attorney and/or aide.
- (d) When subject is connected with institution of learning.

[In those instances where FBIHQ approval is not required, case Agent should prepare a memorandum requesting SAC authority for interview. This memorandum should include a succinct resume of the case, including a review of office files concerning a subject, and should indicate the objectives of an interview. Memorandum must be approved by SAC or in his absence, by a designated official.]

(4) Letter requesting FBIHQ approval to interview subject

- (a) Letter should concisely set out available data concerning following items:
 - I. Residence address, employment, race, date and place of birth, citizenship and any health factors which could affect conduct of interview.
 - II. Marital status, employment and citizenship of spouse.
 - III. Succinct summary of subject's subversive activities, membership of affiliation with subversive groups, and positions held.
 - IV. Similar summary regarding spouse's affiliation with subversive activities.
 - V. Similar summary concerning subversive activities on part of close relatives.
 - VI. Resume of subject's current sympathies and status in subversive movement or organization and any indication of disaffection.

- VII. Subject's arrest record and disposition of charges; any information indicating a propensity for violence.
- VIII. What is expected to be gained by interview?

List above items by number but headings need not be restated. If no pertinent data is available concerning a particular item, so indicate.

- (b) Submit one copy of letter and additional copy of first page only which can be returned by FBIHQ stamped "Approved."
- (5) If interview not conducted within 60 days, submit letter advising FBIHQ:
- (a) Reason interview not conducted.
 - (b) Any new information pertinent to desirability of interview.
 - (c) Whether efforts to interview subject will be pursued. Thereafter, keep FBIHQ advised at least each 60 days as to progress of matter.
- (6) Conduct of interview.
- (a) Interviews of subjects entitled to the warning and waiver shall be conducted in accordance with the requirements set forth in Volume I, Manual of Instructions, Section 2B, page 15. If the interview is being conducted for intelligence information rather than an admission or confession of guilt, no warning is required. Moreover, if the investigation has failed to develop information indicating a possible violation of Federal law by the subject, it would be permissible to interview the subject without a warning as he does not fit the criteria of those entitled to a warning of rights. Carefully plan interview so there will be no compromise of sources; sensitive techniques or interviewing personnel. An overriding consideration to always bear in mind is that interview should elicit from, not provide information to the subject.
 - (b) Interview at subject's place of employment should be avoided if possible. If attorney or aide is present during interview, interview must be conducted by two Agents.
 - (c) If, during conduct of interview subject desires that his attorney or aide be present, the interview should be tactfully terminated, and FBIHQ should be informed with recommendation whether or not to resume interview.
 - (d) In all other instances, SAC has responsibility and option of deciding when two Agents should handle interview. Safety of Agents is first priority to consider.
- (7) Direction of subject's activities.
Prior FBIHQ approval is required before taking any steps to direct the subject's activities even though he may appear to be cooperative during the interview.
- (8) Reporting results of interview.
- (a) Record results of interview on FD-302.
 - (b) Pertinent results of interview should be included in next report or LHM unless circumstances indicate need for more expeditious reporting. In cover letter or administrative pages, include observations of interviewing Agents as to subject's cooperativeness, any relevant information concerning subject's appearance or characteristics, and assessment of information developed by interview in light of other data known to your office.

3. Reporting Procedures

a. General

(1) Pertinent information developed during investigation may be reported either by report or LHM.

Reports should be submitted:

- (a) When setting out results of extended inquiries such as summary of subject's activities.
- (b) When subject is being recommended for inclusion in ADEX.

LHM should be used to report timely or significant information regarding subject's current activities.

(2) All communications should be limited to:

- (a) Information regarding subject's subversive activities, sympathies, and affiliations.
- (b) Pertinent background data concerning subversive individuals or groups with which subject is connected.
- (c) Essential background data regarding subject.

They should not include information regarding subject's social or personal affairs or other background data not relevant to subject's subversive activities or affiliations.

(3) Information in both reports and LHMs should be organized under topical headings. Main headings and subheadings should be employed to make the communication as readable as possible.

b. Summarizing information.

When reporting information of repetitious or cumulative nature, such as attendance at regular meetings of subversive group, use summary narrative statement. Exact dates are not needed, but time period involved should be indicated. Summary statements must be statements of facts and not conclusions. Information from different sources should be reported separately and any significant items must be set forth in detail.

c. Administrative or Cover Pages

(1) Material to be included

Pertinent information concerning following should be included in administrative pages of report or cover communication of LHM: References to other reports or correspondence, ADEX status, reference to security flash notice (FD-165) or transfer of origin (FD-128), reason for classification, if any, documentation of data contained in report or LHM, identities of confidential sources, leads, and other administrative or noninvestigative material. Use form (FD-305) for ADEX cases. If used, nonsymbol source page should be last page.

(2) Documentation

- (a) In documenting information originating with another field office, file number of original document need not be shown provided source, date information received, and receiving Agent are identified.
- (b) Do not conduct extensive inquiries to document background information.
- (c) In characterizing persons who associate with subject, identify source but further documentation not required.

d. Office of Origin

Office covering place where subject's principal subversive activities occur or originate should be origin. In unusual circumstances where

there is doubt as to which office should be origin, request FBIHQ to designate office of origin.

e. Title of communications

Normally, only one subject should be carried in title of each report or LHM and separate reports should be submitted for each subject regardless of relationship. However, when reporting virtually identical information concerning two related individuals (e.g., travel data concerning a husband and wife) an exception can be made and single LHM or report submitted. In such cases dual captions should be used and an extra copy of communication provided.

f. Classification - 100

g. Character

(1) Designation "Subversive Matter" (or abbreviation SM) should be used in all cases. Add organizational affiliation when chief group with which subject is connected is under current investigation or has approved [characterization.]

Example: Subversive Matter - CPUSA

Subversive Matter - SWP

(2) Where meaningful organization affiliation cannot be shown, use caption "Subversive Matter."

h. Copies of reports or LHMs

In all instances furnish four copies to FBIHQ to cover dissemination to Department (2) and Secret Service (1). Where it appears dissemination will be made to other agencies at FBIHQ level, furnish one additional copy for each such agency involved.

i. Status

Carry cases as pending until logical inquiries aimed at resolving purpose of investigation have been completed. As minimum, case should be kept pending until essential background data regarding subject has been secured and sufficient information developed to present good picture of nature and extent of subversive activities engaged in by subject.

j. Closing and reopening of cases

If it is determined that subject's current activities do not involve an actual or potential violation of one or more of the statutes enumerated in A. 1. above, case should be closed.

Case may be reopened at a later date if additional information is received which indicates subject's subsequent activities involve or may result in a violation of the statutes cited in A. 1.

k. Subject traveling abroad (Also see section 105G volume IV, of this manual).

Take following action when information is received that subject of current investigation intends to travel abroad or has departed on foreign travel (except where travel is of brief duration and is known to be for innocuous purpose, such as vacation):

(1) Immediately notify FBIHQ of available details concerning travel, including places and dates of departure and intended return, destination, itinerary, purpose of trip, and pertinent passport data. Include full description of subject, including aliases. Set out concise resume of available subversive data regarding subject. Do not delay advising FBIHQ while developing details if time is of essence.

- (2) If necessary, set out lead for WFO to check records of Passport Office, Department of State.
 - (3) Pertinent information is furnished Department of State, Central Intelligence Agency (CIA), and interested Legal Attaches. Furnish FBIHQ with six copies of LHM (2-Department, 1-Secret Service, 1-State, 1-CIA) plus an additional four copies for each Legal Attache Office which covers area in subject's itinerary (1-Legat, 3-Legat's sources). Also, furnish one copy of subject's photograph, if available, for each Legat Office involved. If stop should be placed with security services abroad, so indicate in cover letter. Set out requests for investigation abroad on separate numbered page captioned "Leads" at end of LHM. Request should not refer to Legal Attache or request investigation by any particular service.
 - (4) Advise FBIHQ promptly by LHM of subject's return. Reference any prior memoranda dealing with the subject's travel. If subject has traveled to a communist country, furnish recommendation as to interview and advise whether additional investigation being conducted.
 - (5) Take following action when information is received that organization or individual engaged in subversive activities is forming tour group for foreign travel:
 - (a) Advise appropriate offices, under caption of tour group or organization, as to identities of individuals participating in tour and furnish LHM to FBIHQ for dissemination to State Department, CIA, and interested Legal Attaches. Include readily available information pertaining to tour, such as itinerary, dates, names, and addresses of participants, and [characterization] of organization or individual sponsoring tour.
 - (b) Other offices should immediately identify participants residing within their respective territories and submit LHMs on those of security interest. Refer to LHM previously prepared under caption of tour group or organization. In cover letter, list participants on whom there is no subversive information.
- l. Submission of information on members of subversive groups.
 - (1) Offices covering national headquarters or local units of subversive groups should promptly furnish FBIHQ names and identifying data regarding persons affiliated with such groups. Furnish information by letter, and indicate list is being furnished for indexing purposes.
 - (2) Information regarding subversive affiliation of individuals residing in territory of other offices should be furnished to latter.
 - (3) Subscription lists of publications of subversive organizations should be indexed in field office covering address shown for subscriber but should not be forwarded to FBIHQ.
 - m. Control files on former members of subversive organizations.
 - (1) Offices having sufficient volume may, at the option of the appropriate supervisor, maintain control files on former members of subversive organizations. Such files will preclude necessity for extensive file reviews to identify persons who are in position to furnish information of value in particular cases.
 - (2) Where appropriate, make copies of communications for these files. Insofar as practical these files should contain following information regarding ex-members of subversive groups: background, type of information possessed, time period covered, availability for interview and for testimony.

n. Channeling information to case files

- (1) Memoranda regarding membership or activity in subversive organizations, including summaries of informant reports, should be channeled to case files of individuals involved. When information from informants or surveillances is channeled to individual case files, it should be documented.
- (2) When preparing lengthy channeling memoranda reporting material of interest to other offices, limit number of copies prepared to two for each other office. Clearly indicate next to names of other offices the page number containing information of interest and note on cover page that distribution of material to individual case files should be handled by recipient offices.

o. Movement of subjects between offices

If office of origin receives information that subject of current or past investigation changes residence to territory of another division, office of origin request verification within 30 days. If new residence confirmed, office of origin submit FD-128 to transfer origin. Office of origin should furnish new office with any pertinent subversive data which has not previously been reported in a form suitable for dissemination, or suitable for incorporation in an LHM or report.

p. Destruction of Channeling Memoranda

At the option of appropriate field supervisors, in order to avoid the accumulation of channeling memoranda in a case file as well as to facilitate the subsequent preparation of LHMs or reports, the following procedure may be used: Files may be reopened for preparation of an "investigative insert" for later inclusion in a LHM or report, using T symbols identifying informants who have furnished prior information. Agent preparing this insert should also prepare a cover memorandum showing what serials in the file have been covered by his review and also identifying all symbol number informants involved and indicating the location of the original data (similar to documentation in the cover pages of a report). The channeling memoranda covered in the review can then be destroyed and the "investigative insert" along with its cover memorandum can, if necessary, be forwarded to another field division in the event the subject moves.

[4. Urban Guerrilla Warfare

(Instructions relating to investigations of above subject matter are contained in section 122, item A8, Manual of Instructions.)]

D. DISSEMINATION OF DATA DEVELOPED

1. General Policy

Information developed during these investigations should be furnished to other agencies in Executive Branch which have a legitimate interest. See MRR, part II, section 5, pertaining to Bureau's overall responsibilities and policies in dissemination.

Do not disseminate earlier reports without reviewing them to insure they meet current reporting standards. If they are unsuitable for dissemination, prepare LHM containing pertinent information.

2. Specific requirements

Following instructions cover representative situations which occur frequently.

a. Members of armed forces

Delimitations Agreement between FBI and armed forces intelligence agencies (see section 102B, volume IV, of this manual) requires free exchange of all information of mutual interest between subscribing agencies. Immediately refer any derogatory or possibly significant information developed concerning members of military services, including contacts with individuals or groups of security interest, to military service having primary responsibility.

If it is determined subject of FBI investigation is member of armed services, discontinue immediately, advise FBIHQ, and disseminate pertinent information locally to appropriate intelligence agency. If it is determined subject has close relatives in armed forces, promptly advise appropriate military intelligence service, and furnish pertinent information, including reports, on subject involved. Evaluation of such association lies entirely within province of military intelligence service.

In all instances, advise FBIHQ concerning any possible subversive contacts or derogatory information developed concerning military personnel, including local dissemination made. Enclose four copies of LHM or report setting out pertinent data.

- b. Aliens and naturalized citizens
Furnish any information which might have bearing on their deportation or denaturalization to Immigration and Naturalization Service (INS) locally.
- c. Individuals employed in or having access to Key Facilities, or employees of private contractors of the Armed Forces
Under Delimitations Agreements, FBI is responsible to disseminate pertinent data to the counterintelligence agencies of the Armed Forces. [Also disseminate pertinent information concerning such individuals to the Chief, Defense Industrial Security Clearance Office (DISCO), Defense Supply Agency, Columbus, Ohio 43215, Attention Chief, Adjudication Division and advise interested military intelligence agency of such dissemination to DISCO. However, with regard to facilities having classified contracts with the Atomic Energy Commission (AEC), dissemination to AEC is made only at FBIHQ.] See section 102, volume IV, of this manual for details.
- d. Employees of public utilities (including state and municipal facilities)
Disseminate pertinent data locally to Army and any other Federal agency whose interest is apparent.
- e. Members of military reserve branches or National Guard
Disseminate pertinent security data locally to appropriate military intelligence service.
- f. Seamen and subjects employed in maritime industry, including long-shoremen and waterfront employees
Disseminate pertinent security data locally to Coast Guard and when circumstances dictate, to other interested intelligence agencies, including NISO.
- g. Employees of Federal Government
Any subversive information received concerning an employee of an agency of the Executive Branch should be promptly forwarded to FBIHQ for dissemination to interested agencies. No dissemination of reports in Security of Government Employee cases should be made in field. Instructions regarding all phases of FBI responsibilities under EO 10450 are in section 19, volume II, of this manual.
- h. Individuals who own property or reside in immediate vicinity of installation or other premises under jurisdiction of branch of armed services
Disseminate pertinent data locally to appropriate military intelligence service.
- i. Airmen licensed by Federal Aviation Administration (FAA)
FAA issues certificates to airmen (pilot, mechanic, or member of crew); to individuals directly in charge of inspection, maintenance, overhauling, or repair of aircraft; and to aircraft dispatchers or air-traffic control tower operation.

Furnish pertinent data concerning such persons to FBIHQ by report or LHM. In cover communication, recommend dissemination to FAA.

j. Dissemination to Secret Service

Under agreement between FBI and Secret Service concerning protective responsibilities (set out in section 102, volume IV, of this manual), reports and LHMs are disseminated to Secret Service both locally and at FBIHQ in all cases which meet standards set forth. This includes virtually all cases on individuals where any substantial information exists as to subversive activities or sympathies of subject. When photographs are available send copies to Secret Service locally and to FBIHQ for dissemination at headquarters level.

- (1) Secret Service should be advised of reason for referral; i.e., statement of class or classes of agreement which apply to subject. FD-376 serves as letter of transmittal for both local and FBIHQ dissemination. Forward original and one copy to FBIHQ and maintain copy in case file.
- (2) After initial dissemination, as changes occur in residence and employment, advise Secret Service locally by FD-366 and furnish two copies to FBIHQ. FD-366 must be submitted even though changes in residence and/or employment are noted in report or LHM being submitted.
- (3) For instructions governing dissemination to Secret Service in matters involving threats against President, refer to section 134B, volume IV, of this manual.
- (4) Upon transfer of office of origin, old office of origin should furnish Secret Service locally with subject's new residence and business address by LHM or FD-366. Provide copies to FBIHQ and new office of origin for dissemination to Secret Service headquarters and branch office covering new residence, respectively.
- (5) As an administrative aid to insure proper dissemination, the file covers of cases in which dissemination is being made to Secret Service may be stamped "SS."

3. Restrictions on field dissemination

If security measures are known to be inadequate at local office of another Government agency, do not disseminate locally, but bring matter to attention of FBIHQ for headquarters dissemination.

E. ADMINISTRATIVE INDEX (ADEX)

1. Purpose and general policy

- a. To have a readily available and up-to-date listing of individuals deemed currently dangerous to the national security. Objective is to identify individuals who should be afforded priority investigative coverage in the event of a national emergency.
- b. Under no circumstance should individuals be included in ADEX merely because of their opposition to Government policies or because of the exercise of their constitutional rights of protest and dissent.
- c. ADEX is strictly an administrative device. It should not be treated as a factor in determining basic investigative decisions, i.e., whether an investigation should be opened or closed, the extent of investigation to be conducted in a particular case, etc.

2. Criteria

- a. ADEX should include individuals whose actions or statements have established that they represent a current threat to the national security, i.e.,:

Individuals (whether affiliated with organized groups or not) who have shown a willingness and capability of engaging in treason, rebellion or insurrection, sedition, sabotage, espionage, terrorism, guerrilla warfare, assassination of government officials, or other such acts which would result in interference with or a threat to the survival and effective operation of national, state or local government.

- b. This would include leaders of organizations whose aims include the overthrow or destruction of the Government of the United States or the government of any state, territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means. The term "leaders" denotes those individuals, irrespective of title, who are in a position to significantly influence the policies or direct the activities of the group. Mere membership in an organization, without the element of leadership or without a demonstrated willingness and capability described in paragraph a, is not sufficient for inclusion in ADEX.
- c. Individuals should be considered a "current threat" to the national security when reliable information has been developed that they have engaged in activity or exhibited the requisite willingness and capability falling within the above-described criteria during prior two years and there is no indication they have ceased such activity. However, there may be instances where retention of an individual in ADEX is justified even though no pertinent information is available during the prior two years. For example, such retention might be warranted in the case of individuals who have gone into hiding[or]temporarily left the country. [Following guidelines should be followed with respect to imprisoned subjects. If already on ADEX and sentence is such that the earliest possible release date from actual incarceration is more than two years after sentencing, subject should be recommended for removal from ADEX. If possible, stop should be placed with facility where incarcerated so office will receive notification of release, after which subject should be considered for possible reactivation on ADEX. Whether or not a stop can be placed, necessary administrative procedure should be set up so that subject's continued incarceration is verified at least every six months. If case is not pending, it should be placed in a pending inactive rather than closed status. If a subject under investigation appears to qualify for ADEX but is under sentence for over two years as described above, do not recommend for ADEX but follow procedures described above to consider for ADEX upon release from imprisonment. Sentences which permit releases in less than two years should be ignored as a factor in considering ADEX status. These guidelines are for application only as to ADEX status and have no bearing on whether or not subjects should be investigated. For those cases in a closed status at time these new guidelines become effective, they should be brought in line with the new guidelines when the cases are next reviewed for any reason.]
- d. ADEX should not include individuals who may be ideologically committed to a philosophy which calls for the downfall of our form of government or which favors another form of society but who have not shown a current willingness or capability of engaging in meaningful action to promote their beliefs. This might apply, for example, to rank-and-file members of the Socialist Workers Party or the Communist Party, USA, or other old-line revolutionary groups which have advocated an overthrow of our present form of government but where subject's activity is primarily ideological in nature and not oriented toward action. Each case should be reviewed on an individual basis in the light of the criteria enumerated above.
3. Recommendation for preparation of ADEX card
- When dangerousness of subject has been established, office of origin should prepare recommendation on FD-122, in triplicate. Forward original and copy to FBIHQ, and place copy in subject's file.
 - Attach additional page or pages to FD-122 setting out succinct summary of facts on which recommendation based.
 - Nonprosecutive summary report should be submitted when subject is recommended for ADEX unless one was previously furnished to FBIHQ. In latter instance, submit up-to-date report.
 - Do not delay recommendation for ADEX because of absence of complete background or descriptive data.

- e. Do not defer recommendation for ADEX because subject is missing, temporarily out of the country, or in prison.
- f. If FBIHQ approves recommendation, ADEX cards will be prepared including two copies for field. Copy of FD-122 will be returned stamped "ADEX card approved, copies attached." Check cards for accuracy. Place one in alphabetical section of field office ADEX and other in either geographical section or unavailable section.
- g. When subject is approved for ADEX, submit Security Flash Notice (FD-165) to check records of Identification Division and post flash notice if fingerprints of subject are on file. FD-165 will be returned if positive identification cannot be made. In latter event, FD-165 should be submitted every two years as long as subject remains on ADEX and no fingerprint record has been located. These submissions should be timed to coincide with biennial review of case.
4. Format of ADEX card
- a. Data to appear on face of card
- Itemized below are descriptive categories in which subject may be classified and corresponding abbreviations for use on FD-122 and ADEX card.
- | | |
|---|-----|
| (1) Full name and aliases | |
| (2) Date and place of birth | |
| (3) Race | |
| White | W |
| Black | B |
| Other | O |
| (4) Sex | |
| Male | M |
| Female | F |
| (5) Citizenship | |
| U. S. Citizen | CT |
| Alien | AL |
| (6) Residence address | |
| (7) Employment (occupation and address) | |
| (8) Type of activity | |
| Black Extremist | BEX |
| Communist (pro-Chinese) | CMC |
| Communist (pro-Soviet) | CMS |
| Communist (Trotskyist) | CMT |
| Foreign Nationality | FRN |
| Puerto Rican Nationalist | PRN |
| Revolutionary | REV |
| Miscellaneous | MSC |
- Activities connected with "New Left" or anarchistic elements should be shown as "Revolutionary." The term "Foreign Nationality" covers foreign-directed subversion, e.g., Soviet or Chicom espionage, Arab terrorism. The abbreviation FRN should be followed by nationality involved e.g., FRN-Arab, FRN-Cuban.
- | | |
|---|-----|
| (9) Special Interest | |
| Espionage Subjects | ESP |
| Foreign government employees | FGE |
| U. S. Government employees | GOV |
| (10) Unavailable section | |
| Missing | MI |
| Out of country | OC |
| Imprisoned | PR |
| (11) Key facility geographical reference number (obtained from Department of Defense Key Facilities List), if applicable, and agency having security responsibility, which is Army. | |
| (12) Field office and FBIHQ file numbers | |
- b. Data to appear on separate card attached to ADEX card in geographical or unavailable section.
- | | |
|---|--|
| (1) Physical description | |
| (2) Photograph, with date taken. It should be most current or best likeness of subject available. | |

- (3) Dangerous characteristics of subject, e.g., notation if subject carries firearms.
 - (4) Any special information needed to locate subject.
 - (5) Notation that security flash notice (FD-165) has been posted with Identification Division
 - (6) FBI number and fingerprint classification, when available.
- Case should normally be kept pending to secure all pertinent identifying data enumerated in paragraphs a. and b. above. However, if it appears a considerable amount of effort would be required to obtain a particular item, use judgment in deciding whether to continue in pending status solely for this purpose.

Use FD-186 to report above information. File in case file.

5. Arrangement of ADEX

a. At FBIHQ.

Index is printed on IBM cards, two copies of which are sent to field. An alphabetical breakdown of true names and all aliases of subjects is maintained at FBIHQ.

b. In field office

Index is maintained in three sections:

(1) Alphabetical section

This section includes one complete set of current ADEX cards.

(2) Geographical section

This section includes ADEX cards of all subjects except those who are missing, temporarily out of the country, or in prison. Geographical section is broken down by residence address in accord with needs of each office, e.g., by state, county, city, or if needed, into boroughs or suburbs. Cards are filed alphabetically under each such breakdown.

(3) Unavailable section

This section includes cards of individuals who are missing, out of the country for an indefinite period, or imprisoned, broken down into three corresponding subsections.

(a) Missing subjects

(b) Subjects out of country for indefinite period

Include foreign residence and employment addresses on FD-122, if known. Place stops with INS to be advised of subject's return. Verify foreign residence annually.

(c) Subjects imprisoned

Identify institution in which subject is incarcerated on FD-122. Request prison authorities to notify us of subject's release and set tickler to verify.

6. Special interest subjects

Following classes of individuals could be of special interest in national emergency:

a. Espionage subjects

Any action taken in these cases should be handled, if possible, in such manner as to not destroy the opportunity to penetrate an active espionage network.

b. Foreign government employees

Any action taken in these cases must be handled so as to minimize the possibilities of diplomatic repercussions.

SECTION 87. INVESTIGATION OF SUBVERSIVE ORGANIZATIONS AND INDIVIDUALS

- c. U. S. Government employees
These subjects are of special interest to Department of Justice. Cards on "Special Interest" subjects should be filed in regular sequence with other ADEX cards.
7. Changes in residence and employment of ADEX subjects
- Develop sources to insure that any such changes are promptly brought to our attention.
 - Submit FD-122 whenever changes occur. Also submit FD-366 to FBIHQ and Secret Service locally.
8. Changes in other background data
- Submit any changes, additions, or deletions in data required by FD-122 in an updated FD-122. If item being deleted, specify "Delete."
 - Make notations concerning change on existing ADEX card pending receipt of revised card from FBIHQ.
9. Movement of ADEX subjects between offices
- Requests from other offices to verify addresses of subjects should be handled within thirty days.
 - Upon verification of new address, office of origin submit FD-128 transferring origin. Furnish original and copy to FBIHQ and two copies to office covering new address enclosing copies of previous reports, other pertinent serials, photograph if available, and ADEX cards.
 - If flash notice (FD-165) has been placed with Identification Division, note on FD-128 and designate extra copy for FBIHQ, attention Identification Division.
 - Old office of origin submit current report or LHM whenever there is pertinent information to report. Do not delay submission of FD-128 solely for preparation of report or LHM, but note on FD-128 latter being prepared. Old office of origin furnish Secret Service locally with subject's new residence and business addresses by FD-366 and provide copies to new office of origin for dissemination to Secret Service there.
 - If new office of origin plans no further investigation, advise FBIHQ by letter that case is being closed.
10. Subject entering U. S. armed forces
Submit FD-122 to cancel ADEX and FD-366 to advise Secret Service, furnishing copy of latter to local Secret Service office. Be certain interested military agency has been forwarded all pertinent subversive data regarding subject and is aware of subject's entry into armed forces. Where appropriate, prepare up-to-date LHM or report for dissemination to military agency and to Secret Service both at FBIHQ and field level. While subject is serving in armed forces, appropriate military agency has complete jurisdiction over his activities and no active investigation should be conducted by FBI. Geographical card for subject should be filed in case file marked "canceled" and alphabetical card destroyed. When subject returns to civilian status, determine if activities warrant inclusion in ADEX. If so, submit FD-122 so recommending as well as current report. If not, advise FBIHQ by letter.
11. Removal of cards from ADEX
Subject should be removed from ADEX for any of the following reasons:
- Death
 - Permanent departure from U. S. or Puerto Rico
 - Designation as security informant
 - Subject no longer falls within ADEX criteria

In all of the above cases recommend removal from ADEX by FD-122 with attached succinct summary of facts. In all instances except c., submit current LHM or report for dissemination to Secret Service at FBIHQ and also furnish report or LHM to Secret Service locally.

12. Reporting procedures on ADEX subjects

- a. An initial summary report must be submitted at time subject is recommended for inclusion in ADEX.
- b. Additional reports should not be submitted solely for sake of reporting; however, in the event complexity of case or other reasons so dictate, the SAC or FBIHQ may instruct that reports be submitted.
- c. Current significant pertinent information and/or activities of subject should be reported on current basis as it occurs utilizing teletypes, nitels or airtels with letterhead memoranda suitable for dissemination.
- d. In the absence of unusual circumstances (imprisonment, prolonged absence on foreign travel, etc.), ADEX cases should be kept pending and a communication submitted to FBIHQ at least every 90 days reporting on subject's activities. In the event subject has been inactive for 90 days, you should comment as to whether continuation on ADEX is warranted.

[13. [Deleted]

PREFACE GUIDELINES FOR FBI INVESTIGATIONS

A. GUIDELINES FOR FBI INVESTIGATIONS

Fundamental to all investigations by the FBI is the need to protect the constitutional rights of any individual while still thoroughly and expeditiously discharging those responsibilities with which it is charged by statutes and Directives of the President and the Attorney General. The FBI is a fact-finding agency which seeks with equal vigor to gather evidence which will aid in the successful prosecution, or establish the innocence, of alleged violators of laws of the United States or of those who are accused of seeking by force to subvert or overthrow the Government of the United States. The FBI makes no determination of the guilt or innocence of any individual or group so accused.

To this end, guidelines have been established to be followed in the investigation of cases falling within the jurisdiction of the FBI, to prevent unwarranted investigations and invasions of the constitutional rights of any person.

B. [SECURITY INVESTIGATIONS

In matters affecting the security of the United States, under no circumstance is an investigation conducted of any individual on the basis that such individual supports unpopular causes or opposes Government policies. All investigations of subversive or extremist activities are directed to the collection of information pertinent to a determination as to whether or not the subject has violated, or is engaged in activities which may result in a violation of, one of several specifically enumerated Federal statutes; or are in fulfillment of instructions from the Department of Justice. All communications regarding these cases must be limited to information regarding the subject's subversive activities, sympathies and affiliations; pertinent background data covering subversive individuals or groups with which the subject is connected; and essential background data regarding the subject. No electronic surveillance may be instituted without the specific authority of the Attorney General. Prior FBIHQ approval is required to institute an investigation of a faculty member or an organization connected with an institution of learning or to interview a student or faculty member other than established sources. Investigations of foreign diplomatic or official personnel are not instituted without specific approval by FBIHQ and clearance from the Department of State. No investigations are conducted of active or retired members of the U. S. military forces under terms of a delimitations agreement entered into between the FBI and the counterintelligence services of the armed forces.]

C. CRIMINAL INTELLIGENCE - ORGANIZED CRIME

Where matters of a criminal intelligence nature or organized crime are concerned, investigations are conducted to develop and maintain current information on the activities of organized crime in general, and to develop substantive cases against individual racket figures. These investigations are highly selective and are concentrated on the leaders of organized crime and their reported associates. Any electronic surveillance used in these investigations requires approval of the Bureau, the Attorney General, and authorization by a court order.

D. APPLICANT-TYPE MATTERS

In the area of applicant investigations, specific standards have been established to protect the rights of individuals. All relevant information, both favorable and unfavorable, obtained concerning an individual must be duly reported; investigation is limited to checks of pertinent records and interviews of persons in a position to furnish relevant information; persons furnishing derogatory information are requested to furnish a signed statement. The FBI makes no evaluation or recommendation to the requesting agency concerning the applicant.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/27/00 BY SP-2 PFM/HAG

#m 02/16

[E. GENERAL CRIMINAL AND CIVIL MATTERS

[Our investigative jurisdiction in criminal cases is based on specific
 [violations of Federal laws. Investigations are conducted when information
 [is received indicating a violation of a Federal law, over which we have been
 [given investigative jurisdiction, has occurred. Results of our investigations
 [are furnished to United States Attorneys or the Department of Justice for
 [determination of the course of any prosecutive action. The decision may be
 [made to present the case to a Federal Grand Jury or, if the facts so justify,
 [to arrest the subject, in which latter instance the arrest is made on the
 [basis of authorized prosecution and the issuance of a warrant. Upon arrest,
 [the subject must be brought before the nearest United States Magistrate or
 [Federal Judge in accordance with established rules of Federal criminal
 [procedure.

[Requests for FBI investigations in selected civil matters in which the United
 [States is or may be a party in interest are received from the United States
 [Attorneys and/or the Department of Justice. These are handled in strict
 [conformity with guidelines furnished by the Department of Justice, as are also
 [investigations of violations of the civil rights, antiriot, election laws,
 [and antitrust laws.

[F. GENERAL PRINCIPLES

[In addition to these principles, numerous other restrictions apply to all
 [phases of our work. For example, our authority to arrest fugitives is
 [statutory. The United States Code empowers Special Agents to make arrests
 [and carry firearms but FBI policy further requires that only that force may
 [be used which is necessary to effect arrest with due regard being observed
 [for the safety of the arresting officers and others.

[Special Agents are not permitted to shoot anyone except in self-defense.
 [No surveillances are conducted in the White House, the Capitol, the Supreme
 [Court, or the House and Senate Office Buildings. No surveillance, electronic
 [or otherwise, may be instituted on any member of Congress, any Justice or
 [Judge, or any principal functionary of the Executive Branch. Our Special
 [Agents may not engage in entrapment or any other improper, illegal, or
 [unethical tactics in procuring information or evidence; any critical
 [complaints concerning FBI personnel must be thoroughly investigated; any
 [testimony by a Special Agent in court must be given clearly and without bias
 [or embellishment.

[The foregoing is a general statement of guidelines for FBI investigations.
 [All investigative personnel must follow these rules.

[SECRET]

I.A. STATUTES [(UNCLASSIFIED)]

Title 18, USC, §§ 792-798; Title 50, USC, § 783(b)-(f) (Internal Security Act of 1950). Effective 10-4-61 violations may be prosecuted regardless of where overt act occurs (Public Law 87-369).

§ 792. Harboring or concealing persons

Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 793 or 794 is liable to \$10,000 fine or ten years' imprisonment, or both.

§ 793. Gathering, transmitting, or losing defense information

(a) Whoever, for purpose of obtaining information respecting national defense with intent or reason to believe it is to be used to injury of U. S. or advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory or station, or other place connected with national defense owned or constructed, or in progress of construction by U. S. or under control of U. S., or of any of its officers, departments, or agencies, or within exclusive jurisdiction of U. S., or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are subject of research or development, under any contract or agreement with U. S., or any department or agency thereof, or with any person on behalf of U. S., or any prohibited place designated by President by proclamation in time of war or national emergency in which anything for use of Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place President has determined would be prejudicial to national defense; or

(b) Whoever, for same purpose, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with national defense; or

(c) Whoever, for same purpose, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, etc., of anything connected with national defense, knowing or having reason to believe, at time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to provisions of this chapter; or

(d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, etc., relating to national defense, or information relating to national defense which possessor has reason to believe could be used to injury of U. S. or advantage of any foreign nation, willfully communicates, delivers, transmits, or causes to be communicated, etc., or attempts to communicate, etc., same to any person not entitled to receive it, or willfully retains same and fails to deliver it on demand to officer or employee of U. S. entitled to receive it; or

(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, etc., relating to national defense, etc., willfully communicates, delivers, transmits, or causes to be communicated, etc., or attempts to communicate, etc., or cause to be communicated, etc., same to any person not entitled to receive it, or willfully retains same and fails to deliver it to officer or employee of U. S. entitled to receive it; or

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, etc., relating to national defense, (1) through gross negligence permits same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that same has

[Classified by Director, FBI
Exempt from GDS Category 2
Date of Declassification Indefinite]

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been illegally removed from its proper place of custody, delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer -
Is liable to \$10,000 fine or imprisonment for not more than ten years, or both.

(g) If two or more persons conspire to violate any of foregoing provisions, and one or more do any act to effect object of conspiracy, each is subject to punishment provided for offense which is object of conspiracy.

§ 794. Gathering or delivering defense information to aid foreign government

(a) Whoever, with intent or reason to believe that it is to be used to injury of U. S. or advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, etc., to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by U. S., or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, etc., relating to national defense, shall be punished by death or by imprisonment for any term of years or life.

(b) Whoever, in time of war, with intent that same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to movement, numbers, description, condition, or disposition of any of armed forces, ships, aircraft, or war materials of U. S., or with respect to plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for fortification or defense of any place, or any other information relating to public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or life.

(c) If two or more persons conspire to violate this section, and one or more do any act to effect object of conspiracy, each shall be subject to punishment provided for offense which is object of conspiracy.

Title 18, USC, § 798 (temporary extension of section 794), provides section 794, in addition to coming into full force in time of war, remains in full force until six months after termination of national emergency proclaimed by President on 12-16-50, or such earlier date as may be prescribed by concurrent resolution of Congress, and acts which would give rise to penalties under section 794 when performed during a state of war shall give rise to same penalties when performed during period above provided for.

§ 795. Photographing and sketching defense installations

(a) Whenever, in interests of national defense, President defines certain vital military and naval installations or equipment as requiring protection against general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such installations or equipment without first obtaining permission of commanding officer of military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any separate military or naval command concerned, or higher authority, and promptly submitting it to such commanding officer or higher authority for censorship or other action as he may deem necessary.

(b) Whoever violates this section is liable to \$1,000 fine or imprisonment for one year, or both.

§ 796. Use of aircraft for photographing defense installations

Whoever uses or permits use of aircraft or any contrivance used, or designed for navigation or flight in the air, for purpose of making photograph, sketch, picture, etc., of vital military or naval installations or equipment, in violation of section 795 is liable to \$1,000 fine or imprisonment for one year, or both.

[SECRET]

[SECRET]

§ 797. Publication and sale of photographs of defense installations
 On and after 30 days from date President defines any vital military or
 naval installation or equipment as being within category contemplated under
 section 795, whoever reproduces, publishes, sells, or gives away any
 photograph, sketch, picture, drawing, etc., of vital military or naval
 installations or equipment so defined, without first obtaining permission of
 commanding officer of military or naval post, camp, or station concerned, or
 higher authority, unless such photograph, sketch, picture, drawing, etc., has
 clearly indicated thereon that it has been censored by proper military or
 naval authority; is liable to \$1,000 fine or imprisonment for one year, or
 both.

By Executive Order 10104 dated 2-1-50, President defined following as vital
 military and naval installations or equipment requiring protection against
 general dissemination of information relative thereto:

1. All military, naval, or air force installations and equipment classified,
 designated, or marked under authority or at direction of President, Secretary
 of Defense, Secretary of Army, Secretary of Navy, or Secretary of Air Force
 as "Top Secret," "Secret," "Confidential," or "Restricted," and located
 within:

(a) Any military, naval, or air force reservation, post, arsenal, proving
 ground, range, mine field, camp, base, airfield, fort, yard, station, district,
 or area

(b) Any defensive sea area established by Executive order and not subsequently
 discontinued by Executive order, and any defensive sea area established under
 authority of Title 18, USC, § 2152

(c) Any airspace reservation established under section 4 of Air Commerce
 Act of 1926 except airspace reservation established by Executive Order 10092
 of 12-17-49

(d) Any naval harbor closed to foreign vessels

(e) Any area required for fleet purposes

(f) Any commercial establishment engaged in development or manufacture of
 classified military or naval arms, munitions, equipment, designs, ships, air-
 craft, or vessels for U. S. Army, Navy, or Air Force

2. All military, naval, or air force aircraft, weapons, ammunition, vehicles,
 ships, vessels, instruments, engines, manufacturing machinery, tools, devices,
 or any other equipment whatsoever, in possession of Army, Navy, or Air Force
 or in course of experimentation, development, manufacture, or delivery for
 Army, Navy, or Air Force classified, designated, or marked under authority
 or at direction of President, Secretary of Defense, etc.

3. All official military, naval, or air force books, pamphlets, documents,
 reports, maps, charts, plans, designs, models, drawings, photographs, contracts,
 or specifications marked under authority or at direction of President,
 Secretary of Defense, etc.

(Applicability of this Executive order should be determined in each instance
 by contact with representative of armed services having security responsibility
 for item in question.)

§ 798. Disclosure of classified information

(a) Whoever knowingly and willfully communicates, furnishes, transmits, or
 otherwise makes available to an unauthorized person, or publishes, or uses
 in any manner prejudicial to safety or interest of U. S. or for the benefit
 of any foreign government to detriment of U. S. any classified information -

(1) concerning nature, preparation, or use of any code, cipher, or crypto-
 graphic system of U. S. or any foreign government; or

(2) design, construction, use, maintenance, or repair of any device,
 apparatus, or appliance used or prepared or planned for use by U. S. or any
 foreign government for cryptographic or communication intelligence purposes;
 or

(3) communication intelligence activities of U. S. or any foreign government;
 or

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- (4) obtained by processes of communication intelligence from communications of any foreign government, knowing it to have been so obtained - Is liable to a fine of \$10,000 or imprisonment for ten years, or both.
- (b) For precise definitions of terms used in this subsection, refer to Title 18, USC, § 798.
- (c) Nothing in this section shall prohibit furnishing, upon lawful demand, of information to any regularly constituted committee of U. S. Senate or House of Representatives, or joint committee thereof.

Period of limitation

Statute of limitations for sections 792 and 793 is ten years; there is no statute of limitations for section 794 as this is a capital offense; statute of limitations for sections 795-798 is five years.

Title 50, USC, § 783 (Internal Security Act of 1950)

(b) It shall be unlawful for any officer or employee of U. S. or of any department or agency thereof, or of any corporation stock of which is owned in whole or in major part by U. S. or any department or agency thereof, to communicate in any manner to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any communist organization as defined in section 782 of this title, any information of kind classified by President (or by head of any department, agency, or corporation with approval of President) as affecting security of U. S., knowing or having reason to know that it has been so classified, unless specifically authorized by President, or by head of department, agency, or corporation by which this officer or employee is employed, to make such disclosure.

(c) It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any communist organization as defined in section 782 knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of U. S. or of any department, etc., any information of kind which shall have been classified by President (or by head of any such department, agency, or corporation with approval of President) as affecting security of U. S., unless special authorization shall first have been obtained from head of department, agency, or corporation having custody of or control over such information.

(d) Any person who violates any provision of this section is liable to fine of not more than \$10,000, or imprisonment for not more than ten years, or both, and shall be ineligible to hold any office, or place of honor, profit, or trust created by Constitution or laws of U. S.

(e) Any person may be prosecuted, tried, and punished for violation of this section at any time within ten years after commission of offense, and if at time of commission of offense person is an officer or employee of U. S. or of any department or agency thereof, or of any corporation stock of which is owned in whole or major part by U. S. or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee.

(f) Neither holding of office nor membership in any communist organization shall constitute per se a violation of subsection (c) or of any other criminal statute.

B. COURT DECISIONS [(UNCLASSIFIED)]

In *Gorin v. U. S.*, 312 U. S. 19, Supreme Court, in January, 1941, in interpreting phrase "to be used ... to the advantage of any foreign nation," stated that no distinction was made between friend or enemy and it was not necessary to prove that information obtained was to be used to injury of U. S.

In *U. S. v. Heine*, 151 F. (2d) 813, Second Circuit Court of Appeals, after finding that Heine was German agent who collected information about American aviation industry and sent it to Germany surreptitiously, contended that his information came from sources lawfully accessible to anyone who was willing

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to take pains to find, sort, and collate it. Court felt that since it cannot be unlawful to spread such information within U. S. it would be fatuous to forbid its transmission to citizens of a friendly foreign power. Court stated, "it is enough in the case involved to hold as we do that whatever it was lawful to broadcast throughout the country, it was lawful to send abroad ... The section is aimed at the substance of the proscribed information, not at the act of making it more readily available for use." Based on Heine decision, it appears Government must prove that information gathered or transmitted is to some degree limited or restricted and not available to general public.

[C. DEPARTMENTAL INSTRUCTIONS [(UNCLASSIFIED)]]

According to Department, prohibitions in section 793(a) (b) are conditioned upon suspect having ... the purpose of obtaining information respecting national defense with intent or reason to believe that it is to be used to injury of U. S. or advantage of any foreign nation; those in subdivision (c) require same purpose plus suspect's knowledge or reason to believe that it will be used contrary to espionage laws; subdivisions (d) and (e) relate to suspects who already have possession of or access to information relating to national defense, either lawfully or unlawfully, which they have reason to believe could be used to injury of U. S. or to advantage of any foreign nation, and who willfully transmit it to unauthorized persons or retain it after demand made by person authorized to receive it (a demand is only necessary under subdivision (d) where individual has lawful possession - no demand is necessary under subdivision (e) where person has unauthorized possession); subdivision (f) applies to suspects who have lawful possession of national defense information and permit it to be lost or destroyed through gross negligence or fail to report its loss to proper authorities.

Department has instructed all USAs that its prior authorization is necessary before instituting prosecutive action in espionage cases, except in emergency where subject is fugitive or damage may result from delay.

In cases involving photographing violations, Department has advised such cases can be more expeditiously handled by presenting directly to USA for preliminary opinion. This does not alter policy of presenting all espionage cases to Department prior to actual prosecution.

Concerning section 798, Department has advised that classification may be effected by written directive, or by marking or stamping on item classified; authorization may be established by written directive or oral testimony. Decodes of unclassified information are covered by act where it can be proved they facilitated analysis of cryptographic system.

Department holds that photographing or sketching of outside of commercial establishment engaged in manufacture of classified military or naval arms and munitions for U. S. Army, Navy, or Air Force would not constitute violation of section 795 and/or 797, where no classified equipment or material appears in photograph or sketch.

Department has suggested following procedures when obtaining and returning photographs taken in violation of section 795: Subject should be requested to relinquish film. Receipt should be given to subject and signed statement obtained to effect film is being voluntarily relinquished. Film taken in connection with section 795 should be submitted to FBI Laboratory for any necessary processing and should then be submitted to commanding officer of military post, or other installation, for censorship. If film contains photographs in violation of section 795, it should be delivered to USA either directly by commanding officer or through Bureau. 22.02 1-17-92

If prosecution deemed advisable, film should be retained as evidence and not returned to subject unless, at conclusion of case, USA feels that any innocuous negatives or prints may be returned. In such event film should be returned

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to commanding officer with USA's recommendation; otherwise, film and any prints therefrom should remain in possession of commanding officer, and their disposition left to his discretion. Requests for return of film can then be referred to commanding officer.

As to rights of Bureau Agents in carrying out enforcement procedures regarding violations of sections 795 and 796 by Soviet-bloc diplomatic and official personnel, Department advised in summary as follows:

In all instances in which photographs or sketches of defense installations are made by Soviet-bloc nationals, every reasonable effort should be made to recover and confiscate these items in interest of national security. Where Soviet-bloc nationals who have no diplomatic immunity are observed by Bureau Agents to photograph or sketch military installations in violation of sections 795 and 796, they may be arrested without warrant and film seized as evidence. If observation is by person other than Bureau Agent, an arrest warrant should be procured (because misdemeanor rather than a felony is involved) and search warrant obtained if premises are involved.

Where Soviet-bloc or other foreign officials who may have diplomatic immunity are observed taking photographs by Bureau Agents, they may be detained until Bureau is satisfied they do in fact have immunity and film may be confiscated in interest of national security. If Agents do not actually observe the activity but received information from outside source, film may not be legally seized since warrant of arrest or search may not be lawfully executed against person or premises having diplomatic immunity.

D. POLICY

1. Responsibilities of FBI [(UNCLASSIFIED)]

a. Investigation of violations of espionage and related statutes for prosecutive purposes

b. Intelligence responsibilities

By Presidential directive FBI has counterintelligence responsibilities which it shares with military intelligence agencies and is also charged with correlating information relating to espionage and making appropriate dissemination. Coordination in domestic intelligence field is effected through Interdepartmental Intelligence Conference. By National Security Council directive, FBI and other U. S. intelligence agencies coordinate foreign and domestic intelligence through U. S. Intelligence Board. (See section 102A, volume IV, of this manual.)

To aid in interpretation of Bureau's policies, following terms are defined:

- (1) Intelligence - obtaining and distributing information required for formulation and execution of Government policy
- (2) Espionage - intelligence activity directed toward acquisition of information through clandestine operations
- (3) Counterintelligence - intelligence activity which is devoted to destroying effectiveness of inimical foreign intelligence activities and which is undertaken to protect security of nation, and its personnel, information, and installations, against espionage, sabotage, and subversion. Counterintelligence includes process of procuring, developing, recording, and disseminating information concerning hostile clandestine activity and of penetrating, manipulating, or repressing individuals, groups, or organizations conducting or capable of conducting such activity.

2. General objectives [(CONFIDENTIAL)]

Principal goal is providing adequate protection to our national defense. To achieve this end and discharge our responsibilities, investigations should be directed:

- a. To perfect successful counterintelligence
- b. To present to Attorney General for his prosecutive consideration violations of espionage and related statutes

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3. Specific objectives [(SECRET)].
- a. Development of double agents (persons actively operated by foreign intelligence organizations but working secretly on behalf of Bureau) and defectors-in-place
 - b. Development of complete intelligence information, i.e., identification of all intelligence personnel; determining targets and objectives; ascertaining to fullest extent activities and contacts of intelligence personnel; and development of all information necessary for protection of national security.
 - c. When a and b have been achieved, to present case to Department for prosecutive opinion, where appropriate
4. Opening cases [(SECRET)]

Following general rules apply to opening of espionage cases:

- a. Where specific complaint is received alleging that person is engaged in espionage, together with supporting circumstances to indicate this may be true, case is opened and investigation pursued to point where, if possible, allegations can be established or disproved.
 - b. Where nonspecific complaint is received which is vague and indefinite, submit information to Bureau, indicating no further investigation is being conducted. However, this does not mean that before case is opened, full or substantial evidence must be on hand. If responsible sources, published data, confidential informants, double agents, or any reliable citizen makes allegation which would indicate espionage activities, careful consideration should be given to matter before decision is made not to initiate investigation.
 - c. Investigation of diplomatic or other foreign official personnel, including persons within scope of International Organizations Immunities Act, should not be instituted without prior Bureau authority. However, in emergency situations, discreet physical surveillances may be conducted of such persons apparently acting outside scope of their authority. In such instances immediately advise Bureau.
5. Conducting investigations [(SECRET)]
- a. Investigations must be complete, thorough, and expeditiously handled. Bureau should be kept currently advised of important developments. Determine at earliest possible time whether allegations have any possible basis in fact in order to conserve Agents' time and efforts.
 - b. Only photographing cases should be presented to USAs for preliminary prosecutive opinion. Do not contact USAs regarding violations of other statutes, but submit to Bureau for presentation to Department.
 - c. FBI Agents may photograph, sketch, or make graphic representations of military or naval installations or equipment without obtaining permission from commanding officer or higher authority when request for investigation has emanated from latter or where urgent nature of investigation prevents obtaining such permission. In latter instance, photographs, etc., should be submitted promptly to commanding officer or higher authority for review.
 - d. Pursuant to consultations with Department of State and Department concerning violations of sections 795 and 796 by Soviet-bloc diplomatic and official personnel, be guided by following instructions:

Executive Order 10104, which defines defense installations covered by sections 795 and 796, specifies that installations or equipment must be classified, designated, or marked ... as "Top Secret," "Secret," "Confidential," or "Restricted." Arrests or seizure of film or sketches must not be undertaken unless there is no doubt that installation or material photographed or sketched was so classified, designated, or marked. Specific Bureau authority must be obtained prior to any arrests of any diplomatic personnel or members of their staffs (including persons affiliated with embassies, legations, etc., and missions to UN) or employees of UN Secretariat; or before any seizure of film or sketches in their possession. Similar authority should be obtained before any seizure of film or sketches from other nondiplomatic personnel (representatives of Amtorg Trading Corporation, Tass News Agency, etc.) unless it is apparent that evidence will be destroyed, removed, or delivered to person or place where it would not be susceptible to seizure before authority can be obtained.

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6. Interviews [(SECRET)]

As general rule, espionage subjects are not interviewed without prior Bureau authority; however, subjects may be interviewed without such authority when it is apparent subject is cognizant of investigation, interview would not jeopardize investigation, and there is no indication violation is foreign-inspired. This would include photographing violations. Subjects must not be interviewed at their places of employment or through arrangements with their employers without prior Bureau authority.

[E. INVESTIGATIVE PROCEDURE [(SECRET)]]

1. Investigation should be based on premise alleged intelligence officers and their agents have been thoroughly trained and their activities are directed by experts. Most successful spy is ordinary-appearing person, who has established an excellent "cover" for his activities.
2. Principal goal is providing adequate protection to national defense. Certain counterintelligence measures frequently will be more desirable than immediate apprehension and prosecution. It may be desirable to permit subject to remain at large, whereby continuing surveillance may disclose information as to his associates, targets, or accomplices. Every precaution must be used to prevent subject from becoming aware of our investigation.
3. Climax of any espionage case is actual transmittal or disclosure of information affecting national defense to foreign government or its representative. Investigations should be conducted with view to determining as soon as possible actual method by which information involved is being transmitted to foreign government or its representative. It may become necessary in some instances to make an arrest to prevent transmission of classified information known to be in possession of a subject or to prevent his escape with information.
4. Although not all-inclusive, following investigative steps should be considered:
 - a. Ascertain complete background and activities if possible including: residences; employment; associates; citizenship status, including date and place of birth; credit and arrest checks, including subversive police records; check of pertinent Government agencies' files; check of public source materials; photograph and physical description; identifying information as to any automobile involved.
 - b. Discreet physical surveillance, keeping in mind surveillance may be necessary over long period of time. Obtain photographs, including motion-pictures, whenever possible, particularly of espionage meets.
 - c. Development of sources of information, confidential informants, double agents, and defectors-in-place
These may be secured through discreet contact with neighbors, friends, business acquaintances, or accomplices. Make every effort to corroborate conversations between informants or double agents and subject in order that admissible evidence may be available to corroborate informant or double agent. Make sure latter interprets instructions correctly and have such instructions properly recorded.
 - d. Ascertain method and nature of communications, including mail drops, through:
 - (1) Check of communication company records. Facilities of these companies should be used whenever possible and appropriate.
 - (2) Use of highly confidential techniques. This is very important and should be considered whenever security is assured.
 - e. Ascertain financial status through:
 - (1) Credit checks
 - (2) Check of bank records. When bank account is located, it should be monitored and all sources of revenue fully explored.
 - f. Ascertain identity and purpose of all contacts through coverage as outlined above. Also consider:
 - (1) Interviews with reliable current and past acquaintances and associates.
 - (2) Check of records at hotels and other places of abode, as well as public transportation companies when appropriate. When feasible, maintain liaison with such companies.

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- g. Obtain handwriting and typewriting specimens and forward to FBI Laboratory for comparison with national security file. Indicate whether specimen may be destroyed if necessary in making examination. If no instructions are forwarded, only such tests as result in no damage will be used and, as this excludes nearly all chemical tests, examination may not be successful.
 - h. When questionable material is obtained during investigation, forward to Laboratory for examination. Also, when technical equipment needed and not available to field, make inquiry of Laboratory.
 - i. Bureau must be apprised of contents of all papers, documents, codes, plans, blueprints, etc., in subject's possession and no opportunity should be overlooked to examine his effects. Whenever such material consists of items of possible military, naval, or diplomatic significance or subject is known to be aware of such information, advise Bureau immediately.
 - j. If subject travels abroad, consider checking Customs' records and having his baggage examined by Customs. Also consider requesting CIA to cover activities abroad.
 - k. When thorough investigation has been made, consider recommending interview of subject. If interview authorized, consider obtaining waivers of search to permit search of subject's residence and other premises under his control.
 - l. Recommendations should be submitted to Bureau relative to placing subject's name on administrative index in accordance with section 87, volume III, of this manual.
5. When interviews are conducted with person who has admitted being connected with a foreign intelligence service, cover following points:
- a. All information pertaining to organization and operation of intelligence service with which he is connected, including setup of files section and how their material is coordinated.
 - b. Identities, descriptions, and cover names of all intelligence officers (both legals and illegals), co-opted workers, illegal agents, and agents, particularly those sent to U. S. by that intelligence service; who trained them; how they were trained; what was their mission; in which section of U. S. they were to operate; how they were to come to U. S.; under what name they entered U. S.; whether subject knows of any information having been furnished by them to his intelligence service; if so, nature of information, how they obtained it, how they communicated it, how they were paid, for what period they were active, and when was last time they were active.
 - c. Where lists of names are found upon subject, obtain all identifying information concerning persons listed and determine whether such are merely social acquaintances or are of espionage significance.
 - d. Locations of all training centers of intelligence service, both in home country and elsewhere, as well as identities and descriptions of personnel connected with these centers.
 - e. Information concerning uses of mail drops in this country or in foreign countries.
6. Where members of foreign intelligence services offer their services as defectors or defectors-in-place, they should be questioned thoroughly as to their motives. Make certain they obtain no information concerning Bureau which would be of value to foreign intelligence service since it is known practice of intelligence services to plant person within opposing intelligence service, and make every effort to check on latter possibility.
7. Codes, ciphers, secret writing, and methods of concealment
- a. There is definite difference between a cipher and a code. A cipher is made by using individual letters of message as units. This may be done either by substituting numbers, symbols, or other letters for original letters in message; or by rearranging order of letters in message. Ciphers obtained by first method are called substitution ciphers and latter are called transposition ciphers.
 - b. Codes are constructed by replacing original words, phrases, or sentences of message by code words. Because of regulations governing messages

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by telegraph, cable, or radio, code groups usually consist of five letters or five digits. Code messages may be based on use of code book which may contain as many as one hundred thousand or more code words or number groups. Dictionaries are often used as code books. Ordinarily code messages cannot be decoded without use of code book.

- c. Frequent use has been made of books for setting up key to cipher. "Best sellers" have been used as their possession does not arouse suspicion. In making searches keep this possibility in mind. Communication with foreign countries is frequently accomplished by shortwave radio or secret writing in correspondence or by microdots. While some types of secret writing may be detected with naked eye, there are methods with invisible inks that cannot be detected without extensive laboratory examination. When submitting codes or ciphers to Laboratory for examination, any collateral information which might be of aid to solving code or cipher should be noted in cover letter.
8. Missing classified documents and disclosure of classified data (See section 20F, volume II, of this manual.)
- a. These cases generally are referred by other Government agencies.
- (1) When documents are reported missing, referring agency should advise why matter was referred and field should confirm receipt in writing and state whether or not investigation is being conducted.
 - (2) No investigation should be made of administrative misplacement, misfiling, or loss of documents in transmission. Do not investigate if referral by other agencies has been delayed unreasonably; advise Bureau promptly of facts, including reason for delay.
 - (3) Investigate where there is indication of loss or compromise through gross negligence. However, locating missing documents is administrative function of agency having security responsibility for such material and no search for missing documents should be conducted for other agencies without Bureau approval.
 - (4) Investigate where there is theft, disclosure, or compromise with intent to aid foreign power or injure U. S. or with reason to believe this would result.
 - (5) Advise Bureau promptly of cases of widespread interest, probable publicity, or where classified information is of great strategic importance.
- b. Investigative steps - determine:
- (1) Circumstances surrounding loss, disclosure, or compromise
 - (2) Whether person disclosing information knew it was classified and also knew person to whom information disclosed was not authorized to receive it
 - (3) Exact classified information involved
 - (4) Its classification and significance to national defense (i.e., would its disclosure to unauthorized persons injure U. S., or aid a foreign power), and identities of competent persons who can so testify
 - (5) Whether information can be declassified for purposes of prosecution
 - (6) Evidence of requisite intent or gross negligence (i.e., associations with foreign officials; clandestine conspiratorial meetings; evidence subject had been given security briefings or was aware of security regulations; utter disregard of such regulations; excessive carelessness or imprudent handling of classified information, etc.). Where preliminary inquiries show requisite intent did not exist or there was no gross negligence, discontinue and submit closing communication.
- c. Where there is no indication of foreign-directed espionage but requisite intent or gross negligence does exist, early interview of subject is generally desirable, at which time signed statement should be requested. Conduct investigation to corroborate admissions.

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9. Communist intelligence services are placing greater emphasis on illegal operations in U. S. In view of security surrounding such operations, methods of infiltration must be devised apart from usual techniques. Experience has shown that it is fatal to rush this type of investigation and approach must be painstaking with premium on patience. Technique of developing person who can be placed in contact with suspected illegals or illegal agents for purpose of developing close relationship should be borne in mind; however, illegals and illegal agents are most experienced and extreme care should be exercised.

[F. SOVIET INTELLIGENCE FUNCTIONAL FILES [(UNCLASSIFIED)]]

These files were set up to correlate information concerning methods of operation and organizational structure of Soviet intelligence services. They contain information secured by field and FBIHQ through investigations and interviews and from other U. S. and foreign intelligence and security services.

Included are a breakdown of Soviet intelligence services, methods of recruitment, training, communications, payments, travel and entry, security precautions, cover stories, targets, and modus operandi.

They should be thoroughly reviewed by all Special Agents engaged in counter-espionage and counterintelligence investigations. New material received at FBIHQ is forwarded to field for inclusion in these files; hence, Special Agents engaged in counterespionage and counterintelligence investigations should review this material periodically.

[G. CURRENT ESPIONAGE DIGEST [(UNCLASSIFIED)]]

Summaries of new techniques, methods, policies, etc., of communist intelligence services are prepared at FBIHQ for distribution to all offices.

1. Issues should be reviewed by all Special Agents handling counterespionage and counterintelligence investigations.
2. Be alert to recommend pertinent items of significance.
3. File should be maintained under custody of SAC with same security as Classification 134 files. Issues of lasting training and educational value, however, should be permanently charged out and securely maintained by supervisor responsible for counterespionage and counterintelligence investigations in location accessible to involved SAs. (Legal Attaches should destroy each issue when read.)

H. Deleted

[I. VENUE [(UNCLASSIFIED)]]

Venue lies in judicial district in which alleged offense occurred

[J. CLASSIFICATION - 65 [(UNCLASSIFIED)]]

[K. CHARACTER - ESPIONAGE - (Name or approved abbreviation of country) [(UNCLASSIFIED)]]
Where applicable, add dual character of Internal Security Act of 1950.

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[A. BACKGROUND

There are three principal registration statutes within Bureau's jurisdiction. They are set forth under B, C, and D.

[B. FOREIGN GOVERNMENT AGENTS

1. Statute

Title 18, USC, § 951. Agents of foreign governments
Whoever, other than diplomatic or consular officer or attache, acts in U. S. as agent of foreign government without prior notification to Secretary of State, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

Term "foreign government," as used in this title, includes any government, faction, or body of insurgents within country with which U. S. is at peace, irrespective of recognition by U. S.

2. Policy

Department has advised that no definite opinion could be rendered as to whether agents of foreign governments are legally required to notify Secretary of State with regard to specific nature of duties to be performed by them. When information is received that agent of foreign government may be engaged in activity outside scope of duties set forth in his notification to Secretary of State, submit promptly to Bureau for presentation to Department for opinion as to possible prosecution or further investigation.

3. Investigative procedure

Following suggestions, not all-inclusive, are directed toward obtaining evidence that subject:

a. Acted as an agent of foreign government

- (1) Examine subject's bank account.
- (2) Interview reliable associates of subject.
- (3) Examine subject's personal records.
- (4) Examine Federal and state income tax returns.
- (5) Compare subject's apparent income with apparent expenditures.
- (6) Interview subject.

b. Was not notified to Secretary of State

This should be done at outset of investigation. Request Washington Field Office (WFO) to check records of State to ascertain if notification filed and, if so, to obtain full details. Be alert for false information or information willfully omitted. State Department representative who can testify that subject is not notified to Secretary of State must be determined in each case prior to trial. Prosecutive summary reports should indicate "an appropriate representative of U. S. State Department, Washington, D. C." as witness who will furnish this testimony. Add note for benefit of USA that this witness' identity will be established prior to trial. Bureau should be requested to determine this witness' name and title reasonable time prior to trial.

[C. FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Original Foreign Agents Registration Act of 1938, known as McCormack Act, was superseded by Foreign Agents Registration Act of 1938, as amended.

1. Statute

Title 22, USC, §§ 611-621, provides:

a. No person shall act as agent of foreign principal unless he has filed with Attorney General a true and complete registration statement and supplements as required by these sections, unless he is exempt from registration. Supplementary statements must be filed every six months. A 30-day grace period is permitted to file these supplements. Material changes in agent's activities or relationships with foreign principal must be reported within ten days.

b. Term "agent of foreign principal" includes anyone who:

Acts as an agent, representative, employee, servant, public-relations counsel, publicity agent, information-service employee, or political consultant for a foreign principal, or for a person any of whose activities are in whole or in major part controlled by foreign principal, and who within U. S.:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/27/00 BY SP 2/ALM/ATG

- (1) Engages in political activities for interest of foreign principal
 - (2) Solicits, collects, or dispenses anything of value for foreign principal
 - (3) Represents interests of foreign principal before any agency or official of U. S. Government
 - (4) Assumes or purports to act as foreign agent whether or not a contractual relationship exists with foreign principal; or
 - (5) Acts in any other capacity at order or direction of foreign principal or of a person any of whose activities are controlled by a foreign principal
- c. Term "agent of foreign principal" does not include:
- (1) Bona fide representatives of news or press services organized in U. S. so long as they are not owned or controlled or their policies determined by any foreign principal or foreign agent required to register under this act
 - (2) Bona fide representatives of newspapers, magazines, or periodicals holding second-class mailing permits and not subject to foreign control
- d. Following persons are exempt:
- (1) Duly accredited diplomatic or consular officials
 - (2) Officials of foreign governments
 - (3) Members of staff of diplomats, consular officials, or foreign officers other than public-relations counselors, publicity agents, or information-service employees. Latter are not exempt unless their status is recognized by State Department. They cannot engage in propaganda distribution.
 - (4) Persons engaged exclusively in bona fide trade and commerce
 - (5) Persons collecting funds for relief of human suffering and registered pursuant to terms of Neutrality Act
 - (6) Persons engaged in bona fide religious, scholastic, academic, or scientific pursuits or of fine arts
 - (7) Persons qualified to practice law who agree to or engage in legal representation of a disclosed foreign principal before any court or agency of U. S. Government provided that representation does not attempt to influence or persuade U. S. Government officials other than in course of established agency or court proceedings
- e. "Foreign principal" includes any entity in a foreign country, government, political party, individual, association, corporation, etc.
- f. Labeling and filing propaganda
- Agents of foreign principals distributing political propaganda in interstate or foreign commerce or through mails to two or more persons must file two copies with Attorney General within 48 hours with statement regarding time and extent of distribution. Such propaganda must be conspicuously labeled to show:
- (1) Relationship or connection between political propaganda and person responsible for its transmittal
 - (2) Distributor is registered agent of foreign principal
 - (3) Identity of foreign principal
 - (4) Registration statement filed by distributor is available for inspection at Department of Justice
 - (5) Registration by distributor does not imply approval of contents by U. S. Government

This act also requires labeling of speeches, radio addresses, and other methods employed in disseminating oral propaganda in interstate and foreign commerce by registered agents in strict accordance with regulations prescribed by Attorney General.

A registered agent, in furnishing propaganda to or requesting information or advice from any U. S. Government agency or official, must preface propaganda or request by accurate statement to effect he is an agent of such a foreign principal in accordance with act. Similarly, when registered agent appears before any committee of Congress to testify in interest of his principal, he must furnish committee with copy

of his most recent registration statement as filed with Department of Justice.

g. Books and records:

Agents of foreign principals are required to keep books and records of activities as prescribed by Attorney General. These must be maintained for three years after agent terminates his relationship with foreign principal. Books and records are to be open for inspection at reasonable times by any official charged with enforcement of act. It is unlawful to, or attempt to, falsify, conceal, or destroy these records.

h. Responsibility of officers

When agent of foreign principal is organization, officers, directors, or those performing functions of officers or directors will be responsible for compliance.

i. Contributions in elections and political activities

Act prohibits foreign agent, when acting in that capacity, from knowingly making contribution of anything of value in connection with election to any public office or primary election, convention, or caucus held to select candidates for any public office. Prohibitions are also imposed against anyone knowingly soliciting or receiving such contributions from any foreign agent or foreign principal.

j. Government officials acting as foreign agents

All officers or employees of U. S. Government are prohibited from being or acting as agents for foreign principal. Exception is provided where head of employing agency certifies to Attorney General that employment of foreign agent is required in national interest.

k. Enforcement and penalties

- (1) When Attorney General judges a person is engaged in, or has or is about to engage in, activity in violation of act, he may apply to appropriate U. S. district court for order enjoining such acts or enjoining person from continuing to act as foreign agent until he complies with all provisions of registration. Courts must give Attorney General's application preferred action.
- (2) If registration statement is deficient, Attorney General must so notify the registrant giving specifics. Ten days after receipt of the notification it will be unlawful for registrant to continue as foreign agent without filing amended statement.
- (3) Foreign agents are forbidden to enter into contracts with their foreign principals wherein agents' fees or compensation is contingent upon success of any political activities carried on by agents.
- (4) Upon conviction, violators of provisions of act, except as listed below, may be fined \$10,000 or imprisoned for five years, or both. Aliens convicted are subject to deportation.
 - (a) U. S. officials acting as foreign agents - \$10,000 and/or two years
 - (b) Agents contributing, or persons accepting, receiving, or soliciting contributions, to elections or political activities - \$5,000 and/or five years
 - (c) Agent operating on contingent fee or continuing to act as foreign agent without filing amended statement as required in (2) above - \$5,000 and/or six months
 - (d) Agent omitting or improperly labeling propaganda; failing to provide statement that he is registered agent when furnishing propaganda to or requesting information from U. S. Government official; or failure to provide congressional committee copy of most recent registration statement when testifying before such committee - \$5,000 and/or six months

2. Policy

- a. Investigations may be initiated without prior Bureau authority.
- b. Cases are not to be presented to USAs or discussed with them nor are copies of reports to be furnished to them without Bureau authority.

- c. Although Bureau has been authorized to examine books and records of registered agents, no such examination should be attempted except upon specific Bureau authority.
- d. Diplomatic and consular officers are exempt from registration so long as their activities are recognized by Department of State as proper for such official. No investigation of diplomatic or consular officers is to be conducted without prior Bureau authority. When activities are noted, which would seem to be outside regular activities of official in question, advise Bureau promptly so that inquiry may be made of State Department to determine exactly what official's status and scope of action are.
3. Investigative procedure
- a. When it is desired to check whether subject is registered or, if registered, to secure a copy of his registration statement, direct lead to WFO.
- b. Suggestions for investigation are being broken down by elements of principal violation. They are not all-inclusive but do represent type of inquiry most uniformly productive in previous cases. Investigations should be directed toward obtaining evidence that subject:
- (1) Was an agent, or held himself out to be an agent, of foreign principal
- In addition to general suggestions set forth in section B, item 3a, above, special attention must be given those agents engaged in propaganda activities.
- (a) Contact subject's printer or publisher, if reliable, and obtain copies of manuscripts, orders for printing, bills rendered and receipts, and copies of publications.
- (b) Interview appropriate [postal service] authorities to determine if subject holds second-class mailing permit and for information regarding quantity of his outgoing mail.
- (c) Check with Library of Congress for all publications copyrighted by subject.
- (d) Where propaganda agent is lecturer, information may be obtained from lecture bureaus, newspaper morgues, interviews with members of clubs before which subject has spoken, and radio station records, including transcriptions of broadcasts.
- (2) Was not registered with Attorney General
- (a) Representative of Attorney General who can testify that subject did not register must be determined in each case prior to trial. Prosecutive summary reports should indicate "an appropriate representative of the Attorney General, U. S. Department of Justice, Washington, D. C." as witness who will furnish this testimony.
- (b) Note should be added for benefit of USA that this witness' identity will be established prior to trial. Within reasonable time prior to date set for trial, request Bureau to obtain name and title of representative of Attorney General who should be subpoenaed.
- (3) Statute provides that in any proceeding under this act when foreign principal is located outside U. S. evidence of specific identity of foreign principal will not have to be produced.
4. Miscellaneous
- This act requires registration of persons accepting compensation from foreign principal or acting in U. S. on orders, instructions, or request of foreign principal. Thus, agent of foreign principal engaged in sending propaganda from U. S. to foreign countries could be required to register. This interpretation is based on legislative history of statute.
5. Statute of limitations
- Title 22, USC, § 612, provides: "The obligation of an agent of a foreign principal to file a registration statement shall, after the tenth day of his becoming such agent, continue from day to day, and termination of such status shall not relieve such agent from his obligation to file a registration statement for the period during which he was an agent of a foreign principal."

Title 22, USC, § 618 provides: "Dissolution of an organization acting as an agent of a foreign principal shall not relieve any officer, or person performing the functions of an officer, or any director, or person performing the functions of a director, from complying with the provisions of this section."

Title 22, USC, § 618, provides that failure to file any registration statement or supplements thereto as required shall be considered continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

D. REGISTRATION OF PERSONS WHO HAVE KNOWLEDGE OF, OR RECEIVED INSTRUCTION OR ASSIGNMENT IN, ESPIONAGE, COUNTERESPIONAGE, OR SABOTAGE SERVICE OR TACTICS OF GOVERNMENT OF FOREIGN COUNTRY OR FOREIGN POLITICAL PARTY

1. Statute

Title 50, USC, §§ 851-857, provides:

- a. Every person who has knowledge of, or has received instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of government of foreign country or foreign political party shall register with Attorney General by filing registration statement.
- b. Following exceptions are made. Any person:
 - (1) Who has obtained knowledge of or received instruction or assignment in espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with U. S. Government, governments of several states, their political subdivisions, District of Columbia, territories, or Canal Zone
 - (2) Who has obtained such knowledge solely by reason of academic or personal interest not under supervision of or in preparation for service with government of foreign country or foreign political party
 - (3) Who has made full disclosure of such knowledge, instruction, or assignment to officials within an agency of U. S. Government having responsibilities in field of intelligence, which disclosure has been made matter of record in files of such agency, and concerning whom a written determination has been made by Attorney General or Director of Central Intelligence that registration would not be in interest of national security
 - (4) Whose knowledge of, or receipt of instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of government of foreign country or foreign political party, is matter of record in files of an agency of U. S. Government having responsibilities in field of intelligence and concerning whom a written determination is made by Attorney General or Director of Central Intelligence, based on all information available, that registration would not be in interest of national security
 - (5) Who is duly accredited diplomatic or consular officer of foreign government, who is so recognized by Department of State, while he is engaged exclusively in activities which are recognized by Department of State as being within scope of functions of such officer, and any member of his immediate family who resides with him
 - (6) Who is an official of a foreign government recognized by U. S., whose name and status and character of whose duties as such official are of record in Department of State, and while he is engaged exclusively in activities which are recognized by Department of State as being within scope of functions of such official, and any member of his immediate family who resides with him
 - (7) Who is a member of staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by Department of State, and whose name and status and character of whose duties as such member or employee are a matter

of record in Department of State, while he is engaged exclusively in performance of activities recognized by Department of State as being within scope of functions of such member or employee

- (8) Who is an officially acknowledged and sponsored representative of a foreign government and is in U. S. on an official mission for purpose of conferring or otherwise cooperating with U. S. intelligence or security personnel
 - (9) Who is a civilian or one of military personnel of a foreign armed service coming to U. S. pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to U. S. at request of an agency of U. S. Government; or
 - (10) Who is a person designated by a foreign government to serve as its representative in or to an international organization in which U. S. participates or is an officer or employee of such an organization or who is a member of immediate family of, and resides with, such a representative, officer, or employee
- c. Registration statements maintained by Attorney General shall be open to public examination, except that Attorney General, having due regard for national security and public interest, may withdraw any registration statement from public examination.
 - d. Whoever willfully violates any provision of act or any regulation thereunder, or in any registration statement willfully makes a false statement of a material fact or willfully omits any material fact, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.
 - e. Any alien so convicted is subject to deportation.
 - f. Failure to file a registration statement as required by act is a continuing offense, notwithstanding any statute of limitation in other statute to contrary.
 - g. Compliance with registration provisions of this act does not relieve any person from compliance with any other applicable registration statute.

2. Policy

- a. Investigations may be initiated without prior Bureau authority.
- b. Cases are not to be presented to USAs or discussed with them and reports to be furnished to them without Bureau authority.
- c. Act provides exemption from registration for certain diplomatic and consular officers and official members of their immediate families who reside with them; certain members of staff or employees of foreign diplomatic and consular officers; certain members of an official mission to U. S.; certain members of a foreign armed service in U. S. under mutual defense agreements; and persons in U. S. as foreign representatives to certain international organizations, or is an officer or employee of such an organization or is a member of the immediate family of, and resides with, such a representative, officer, or employee. When information is received that individual apparently covered by act may be so exempted, immediately furnish information to Bureau so that inquiry may be made of appropriate department to determine exact status of individual. This should be resolved prior to investigation.

3. Investigative procedure

- a. When it is desired to check whether subject is registered or, if registered, to secure a copy of his registration statement, direct lead to WFO.
- b. Investigations must develop to fullest extent possible data showing that subject has knowledge of, or has received instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of foreign government or foreign political party.
- c. It must also be shown that subject did not register as required
 - (1) Representative of Attorney General who can testify that subject did not register must be determined in each case prior to trial. Prosecutive summary reports should indicate "an appropriate representative of the Attorney General, U. S. Department of Justice, Washington, D. C." as witness who will furnish this testimony.
 - (2) Note should be added for benefit of USA that witness' identity will be established prior to trial. Within reasonable time prior to date set for trial, request Bureau to obtain name and title of representative of Attorney General who should be subpoenaed.

4. Statute of limitations

Failure to register is continuing offense for as long as such failure exists.

E. INTERVIEWS

1. Interviews with subjects should be considered on completion of all logical investigation. Obtain Bureau authority.
2. Where subject is involved in revolutionary group or engaged in other activity where timely interview might produce valuable investigative or intelligence data, expeditiously request authority for interview and indicate why interview proposed prior to completion of investigation.
3. Where such early interview is authorized, additional interviews with subject may be conducted on SAC authority.

F. CLASSIFICATION - 97

G. CHARACTER - REGISTRATION ACT - (Name or approved abbreviation of country)]

A. STATUTES

Title 18, USC, §§ 2151-2156, and Title 50, USC, § 797

§ 2151. Definitions

"As used in this chapter:

"The words 'war material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all articles, parts or ingredients, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war or defense activities.

"The words 'war premises' include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States, or any associate nation.

"The words 'war utilities' include all railroads, railways, electric lines, roads of whatever description, any railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which air, water or gas is being furnished, or may be furnished, to any war premises or to the Armed Forces of the United States, or any associate nation, and (all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any war premises or to the Armed Forces of the United States, or any associate nation.)

"The words 'associate nation' mean any nation at war with any nation with which the United States is at war.

"The words 'national-defense material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.

"The words 'national-defense premises' include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States.

"The words 'national-defense utilities' include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all

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air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings, whereby or in connection with which air, water or gas may be furnished to any national-defense premises or to the Armed Forces of the United States, and (all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power or facilities of communication to any national-defense premises or to the Armed Forces of the United States.)

§ 2152. Fortifications, harbor defenses, or defensive sea areas

"Whoever willfully trespasses upon, injures, or destroys any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States; or

"Whoever willfully interferes with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system; or

"Whoever knowingly, willfully, or wantonly violates any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which the President, for purposes of national defense, may from time to time establish by executive order—

"Shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

§ 2153. Destruction of war material, war premises, or war utilities

"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined not more than \$20,000 or imprisoned not more than thirty years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

§ 2154. Production of defective war material, war premises, or war utilities

"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully makes, constructs, or causes to be made or constructed in a defective manner, or attempts to make, construct, or cause to be made or constructed in a defective manner any war material, war premises or war utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, war premises or war utilities, shall be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

§ 2155. Destruction of national-defense materials, national-defense premises, or national-defense utilities

"(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

§ 2156. Production of defective national-defense material, national-defense premises, or national-defense utilities

"(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully makes, constructs, or attempts to make or construct in a defective manner, any national-defense material, national-defense premises or national-defense utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, national-defense premises or national-defense utilities, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

Title 50, USC, § 797 (Public Law 831, § 21)

"(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both.

"(b) Every such regulation or order shall be posted in conspicuous and appropriate places."

[(National Advisory Committee for Aeronautics ceased to exist 9-30-58, but section 797 was not changed.)]

B. VIOLATIONS

1. [Title 18, USC,] § 2152 (Fortification, harbor defenses, or defensive sea areas)
 - a. Willful trespass upon, injury to or destruction of any submarine mine, torpedo, fortification or harbor-defense system owned, constructed, or being constructed by the U. S.
 - b. Willful interference with operation or use of any of above
 - c. Knowingly violating any Presidential order or regulation governing persons or vessels in defensive sea areas
2. §§ 2153 and 2154 (Destruction or defective production of war materials, premises, or utilities during time of war or proclaimed national emergency)
 - a. Willful damage to war materials, premises, or utilities with intent to interfere with, or reason to believe act will interfere with, war or defense activities
 - b. Willful production in defective manner of war materials, premises, or utilities with intent to interfere with, or reason to believe act will interfere with, war or defense activities
 - c. Attempts to violate a or b
 - d. Conspiracy to violate a or b
 - e. National emergency was proclaimed by President 12-16-50

3. §§ 2155 and 2156 (Destruction or defective production of national defense material, premises, or utilities). (These statutes are applicable in peacetime, as well as during a proclaimed national emergency or war.)
 - a. Willful damage to national defense materials, premises, or utilities with intent to interfere with national defense
 - b. Willful production in defective manner of national defense material, premises, or utilities with intent to interfere with national defense
 - c. Attempts to violate a or b
 - d. Conspiracy to violate a or b
4. Title 50, USC, § 797
Willful violation of regulation or order promulgated or approved by Secretary of Defense or military commander designated by him for protection of property and places subject to jurisdiction of Department of Defense, its subagencies, or officer or employee of that Department

C. VENUE
In judicial district where illegal act committed. Venue in conspiracy violations in any judicial district where the conspiracy was entered into or overt act occurs.

D. POLICY

1. Cases to be investigated
 - a. Specific complaint with prima facie evidence that act of sabotage has been committed.
 - b. Information that actual or potential saboteurs are at large in the U. S.
 - c. Specific request from one of the military services for FBI investigation of a definite allegation of sabotage even though the case is within the investigative jurisdiction of [Air Force, Army, or Navy] under the Delimitations Agreement. The intelligence agency with investigative jurisdiction under the Delimitations Agreement must be agreeable to the FBI conducting the investigation and the request must be made promptly after the incident occurs and without prior investigation by another agency.
 - d. If inquiry through local officials or other informed sources reveals cause of incident and eliminates possibility of sabotage, no investigation is necessary. Keep in mind in this connection that a saboteur may be expected to attempt to disguise his work as an accident where feasible.
 - e. Instances of willful damage to or destruction of aircraft in interstate, overseas, or foreign air commerce are investigated under destruction of aircraft or motor vehicles statutes, but bear in mind sabotage violation could be involved. (See section 117, volume IV, of this manual.)
2. Alleged plots of sabotage
 - a. Information is frequently received indicating an act of sabotage will be committed. It is often impossible to check the source or accuracy of such information. Take the following action immediately:
 - (1) Advise Bureau by teletype.
 - (2) Advise local representatives of [Air Force, Army, and Navy intelligence agencies;] local police; and officials of plant, facility, or utility involved.
 - (3) Conduct any logical investigation to ascertain basis for report.
 - b. In disseminating information regarding an alleged plot of sabotage, the circumstances surrounding the receipt of the report should be outlined and the facts allowed to speak for themselves. Do not attempt to evaluate the information for other agencies and specifically advise them no evaluation has been made.

- c. Protection of lives and property in connection with an alleged plot of sabotage is responsibility of company or military establishment involved and local authorities. Decision regarding action to be taken or searching for alleged bombs will not be made by FBI. Agents are not to participate in searches for suspected bombs or assume responsibility for handling bomb devices.
3. Reporting acts of sabotage or industrial catastrophes
- a. Advise Bureau by telephone, teletype, or airtel of:
 - (1) Any specific complaint of sabotage or any allegation regarding which investigation conducted
 - (2) Catastrophes of national interest
 - b. Also advise local representatives of interested intelligence agencies.
 - c. Keep Bureau advised of pertinent developments.
 - d. Information to furnish Bureau, if applicable:
 - (1) Name and location of plant, facility, or utility involved
 - (2) Date and time of occurrence
 - (3) Available details
 - (4) Government contracts involved
 - (5) Identity of agency with security responsibility and any interested agencies
 - (6) Estimated damage or production loss
 - (7) Any hazardous conditions or carelessness involved
 - (8) Salvage or repair work under way
 - (9) Any information indicating the act resulted from labor union activity, labor dispute, or strike - including identity of union; extent and duration of dispute or strike; names of union representatives and any subversive tendencies; any evidence of subversive influence; and names of, identifying data regarding, and information from office files regarding any logical suspects.
 - (10) Statement as to whether investigation being conducted. If no investigation being conducted, facts must be complete to justify this course of action.
 - (11) If no report being submitted, specific statement to that effect
- [e. When an airtel is used to advise the Bureau of a reported act of sabotage, it must be accompanied by a letterhead memorandum, suitable for dissemination, containing all pertinent information relative to the alleged act of sabotage.]
4. If damage reported as sabotage is definitely attributable to labor union activity, labor dispute, or strike, conduct discreet inquiry if necessary to round out facts, advise Bureau (see 3 above), and await Bureau instructions.
5. Slowdown of production
- a. Slowdown occurs when employees intentionally reduce rate of production. This might be sabotage during period of national emergency as a deliberate plan by subversive forces.
 - b. If allegation of sabotage through slowdown received, make discreet inquiry to develop facts but conduct no investigation.
 - c. Advise Bureau of complaint. Teletype normally not necessary.
 - d. Submit closing report under character of sabotage. Include:
 - (1) Identity of company
 - (2) Contracts or production involved
 - (3) Extent and cause of slowdown
 - (4) Effect on production
 - (5) Details of union activity
 - (6) Any indication of subversive activity
6. Biological warfare
- a. Sections 2153 and 2155 include the words "contaminates or infects." This specifically covers sabotage by bacteriological, chemical, or radiological means.
 - b. Such sabotage could be used against personnel in defense industries, military personnel and establishments, foodstuffs and other material to be used for national defense or the armed forces.

- c. Such sabotage could be accomplished by the introduction of bacteria, chemical agents, or radiological agents in ventilating systems, water supplies, food supplies, livestock, and food or forage crops.
 - d. Advise Bureau immediately of any allegation concerning bacteriological, chemical, or radiological sabotage.
 - e. As preliminary investigative procedure determine from appropriate authorities, such as plant physicians, public health services, or agriculture departments, whether cause of any epidemic or unusual outbreak of disease has been determined.
 - f. Title 50, USC, §§ 851-857, requires the registration of any person who has knowledge of or has received instruction or assignment in espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or a foreign political party. In investigating any reported act of biological, chemical, or radiological sabotage, determine if there has been a violation of this statute in addition to a violation of the sabotage statutes.
7. [Presentation of cases to Department
Sabotage cases are not to be discussed with the USA. All questions of law and jurisdiction and requests for prosecutive opinions are to be submitted to the Bureau for presentation to the Department.]

E. INVESTIGATIVE PROCEDURE

1. General

- a. Procedure will depend on circumstances of particular case. All cases must be approached thoughtfully and aggressively. Investigations must be logical and complete.
- b. The investigation of an actual instance of sabotage is not complete until the cause is established and the identity of the subject determined. In a case of actual planned sabotage with intent to injure the national defense, consideration must be given to determining if there are any associates or accomplices through thorough investigation and surveillance prior to apprehension.

2. Arson

- a. One of the most effective potential means
- b. Determine if fire protection devices tampered with to make fire more effective.
- c. Make arrangements with local authorities if necessary to protect scene.
- d. Give early consideration to establishing Bureau's jurisdiction prior to extensive investigative effort.
- e. Important step in arson investigation is determining point in building at which fire originated. Interview any witnesses immediately and ascertain:
 - (1) Where was witness when fire occurred.
 - (2) What attracted his attention.
 - (3) Exact point where fire burning when first observed
 - (4) Exact time and general weather conditions
 - (5) Technical information of value to Laboratory, such as:
 - (a) Color, intensity, and progress of flame, whether fast or slow
 - (b) Color and volume of smoke
 - (c) Unusual odors
 - (d) Whether fire at more than one place
 - (6) Were any explosions heard during fire.
 - (7) General observations, identity of other witnesses, or suspicious circumstances
 - (8) Action taken by witness after discovering fire

- f. If fire occurred in manufacturing plant, witness should be questioned with regard to employment and activities and also questioned as to physical conditions in plant, manufacturing processes, type of raw material, and other information to determine if fire hazards were present, which could have caused accidental or spontaneous combustion. Question witness concerning smoking habits of employees and experience concerning any previous fires.
- g. Check records of local fire department; interview fire department official at scene for leads.
- h. Make intensive search at point of origin to determine method of incendiaryism. Pay particular attention to obtaining suspect devices or materials to send to Laboratory.
- i. Important that materials submitted to Laboratory be accurately described as to place, position, and location where found.
- j. Consider value of obtaining photographs.
- k. Search adjacent terrain for evidence, such as footprints, fingerprints, containers which may have contained accelerant used, etc.
- l. Investigate all suspects fully not only with regard to evidence pointing to them but to background indicating motive or intent.
- m. Set out below are some suggested sources for background investigations of suspects:
- (1) Associates
 - (2) Credit and arrest records
 - (3) Bank accounts
 - (4) State income tax returns
 - (5) Character and reputation, including discreet neighborhood inquiry
 - (6) Records of Government agencies, INS, [armed forces intelligence agencies,] etc.
 - (7) Employment
 - (8) Fellow employees
 - (9) Telephone toll calls
 - (10) Telegrams
 - (11) Surveillance, if warranted
 - (12) Develop reliable informants in position to observe subject's activities.
 - (13) Obtain complete physical description, including nationality and identification record.
3. Sabotage by explosives
- a. Investigation follows general outline as for arson cases.
 - b. Careful examination of scene should be made for bomb fragments, dynamite fuse, detonators, blasting caps, and dynamite wrappers. This type of evidence should be submitted to FBI Laboratory for examination. Also look for footprints, fingerprints, and other types of evidence.
 - c. Obtain complete photographs of scene.
 - d. Assume no responsibility for handling suspected bombs.
 - e. Investigate suspects along lines as indicated in previous section regarding arson.
4. Mechanical sabotage
- a. These cases in majority and cover wide variety of destructive acts.
 - b. Obtain all details from original complainant so that investigation may be intelligently planned and approached.
 - c. Establish jurisdiction early in investigation.
 - d. Where foreign material caused damage, obtain in order to trace to source. Submit material to Laboratory where proper.
 - e. When damage occurs from foreign substance in lubricants or fuel, important to obtain sufficient quantity for FBI Laboratory examination. Suggested one gallon be obtained if possible. Where large amount involved, the sludge which has settled to bottom should also be obtained and transmitted for laboratory examination. Samples of unused stock of oil or fuel involved should also be forwarded to Laboratory for comparison.

- f. Where tools, cutting implements, etc., involved, obtain damaged part for FBI Laboratory comparison with suspect tools when available.
- g. All suspects should be fully investigated. See previous section on arson.
- h. Where incident is of recurring type, give consideration to utilizing dyestuffs as set forth in section 8, volume I, of this manual.
- i. Where board of inquiry held by another Government agency, records should be examined for possible leads. Bureau will consider granting authority for Agent to attend such hearings as interested spectator in appropriate cases.
5. Defective manufacture of war or national-defense materials, premises, or utilities
- a. In addition to establishing the elements required by the statute, establish whether the defectively manufactured material will or did malfunction when put to its intended use and what damage will or did result from this malfunction. In order to establish this, the following suggestions are made:
- (1) Determine the exact function of the defectively manufactured material.
 - (2) Determine the nature of the defect.
 - (3) Determine how this defect will affect the intended function of the material.
- b. The following investigative procedures have been found to be of assistance:
- (1) Establish requirements or specifications for material by
 - (a) Government specifications
 - (b) Provisions of contract
 - (c) Established trade practices
 - (2) Establish existence of any deviation from requirements.
 - (a) Interview Government or plant officials.
 - (b) Examination by FBI Laboratory
 - (3) Specimens of defective material to be submitted to Laboratory wherever practicable.
 - (4) To establish possibility of injury or damage from use of such material when put to intended use, consider testimony from one of following sources:
 - (a) FBI Laboratory
 - (b) Army, Navy, Air Force, or other Government expert
 - (c) Expert in private industry
 - (d) Officials of company involved
 - (e) Subjects of the investigation
 - (5) Establish that subjects deliberately manufacturing defective materials.
 - (a) Review correspondence between manufacturer and purchaser.
 - (b) Determine if manufacturing done surreptitiously.
 - (c) Establish purchase and use of equipment not ordinarily used in this manufacturing process.
 - (d) Establish whether contracting parties or Government agencies have objected to defective material or improper processes.
 - (6) Establish motive on the part of subjects.
 - (a) Foreign sympathies
 - (b) Desire to increase profit
 - (c) Desire to maintain production
 - (7) General comments
 If material manufactured for military, advise local representatives [of Air Force, Army, and Navy intelligence agencies.] Request their assistance in determining where material being used and arranging for examination of material.
6. Aircraft crashes
- a. The following instructions pertain to deliberately caused crashes of aircraft connected with the national defense which are not covered by the destruction of aircraft or motor vehicles statutes. (See section 117, volume IV, of this manual for instructions regarding investigations under destruction of aircraft or motor vehicles statutes.)

- b. Majority of crashes of such aircraft result from causes other than sabotage. To determine cause requires technical knowledge. Cases will normally be referred to FBI after cause of crash established.
- c. Make sure that all evidence which was developed to establish cause of crash has been properly identified and protected and that adequate expert testimony is available to establish cause of crash in any subsequent prosecution.
- d. Under special circumstances, FBI may conduct investigation to establish cause of crash or take charge of investigation before exact cause of crash determined. Specific Bureau authority must be obtained in such instances. Some suggested investigation to establish cause of crash follows:
- (1) Careful systematic examination of wreckage
 - (2) Photographs or sketches showing
 - (a) Entire crash scene from various angles
 - (b) Close-up views from various angles
 - (c) Photographs of parts torn loose
 - (d) Photographs of instruments and levers in cockpit
 - (e) Photographs of marks made by airplane on ground
 - (3) Persons to be interviewed for information
 - (a) Crew members or other survivors
 - (b) Persons who heard the plane before the crash
 - (c) Eyewitnesses
 - (d) Radio operators in contact with the plane
 - (e) Ground crew members and mechanics who serviced plane
 - (4) Information to be sought from witnesses on interview
 - (a) Maneuvers of plane prior to crash
 - (b) Did plane appear to be out of control.
 - (c) Did plane dive into ground or was landing attempted.
 - (d) Were all engines operating.
 - (e) Was plane on fire.
 - (f) Did plane come apart in flight.
 - (g) Did engines sound normal.
 - (h) Was pilot lost or over unfamiliar territory.
 - (i) Was plane on scheduled course.
 - (j) Was landing attempt in accordance with normal procedure.
 - (k) Was plane in radio contact.
 - (l) Did plane's crew experience any mechanical difficulty.
 - (m) Was log maintained while plane in flight.
 - (n) Were any defects noted during previous flights.
 - (o) Weather conditions at time of flight
 - (5) In determining condition of airplane or manner in which functioning at time of crash, it is important to observe and carefully note exact position of all instruments in cockpit, such as fuel tank selectors, switches, throttles, etc. The condition of all control surfaces should also be carefully noted. From observation of all these items and discussion with persons experienced in handling aircraft, the condition of the plane and action being taken by pilot can often be determined.

[7. Reserve Officers' Training Corps (ROTC) cases

- a. Department has determined that ROTC facilities constitute national-defense or war premises within meaning of Title 18, USC, § 2151, and a deliberate attack by arson, bombing, fire bombing, or other means would possibly be a violation of Title 18, USC, §§ 2153 and 2155.
- b. Following additional procedures are to be followed in this particular type of case in order to provide information desired by Department for an opinion:
 - (1) For a complete investigation all pertinent individuals must be interviewed, including members of college or university community unless compelling reasons to the contrary exist.
 - (2) Develop existence of any plans for protest demonstrations or other acts designed to dramatize opposition to ROTC training.
 - (3) Submit any leaflets and/or other publicity afforded anti-ROTC protest demonstrations as enclosures to communications to Bureau.
 - (4) Identify specific property belonging to ROTC unit which was damaged or destroyed; obtain a complete inventory of all property maintained by ROTC unit.
 - (5) Obtain an estimate of actual cost in damage to ROTC facility and any ROTC property damaged or destroyed.
 - (6) Obtain details as to ownership of ROTC facility, including information as to funding and control of space of that facility utilized for ROTC training.
 - (7) Determine specific manner by which ROTC unit is identified on exterior of building.
 - (8) Determine whether ROTC training is compulsory or voluntary. If a subject is developed, determine whether he was denied, previously afforded, or is currently engaged in ROTC training.
 - (9) Through investigation determine whether subject made any pre-act or post-act statements which would aid in establishing his specific intent to commit sabotage.]

F. SUBMISSION OF REPORTS

1. Initial report in two weeks after complaint received
2. Subsequent reports to be submitted in accordance with existing Bureau reporting procedures

G. CLASSIFICATION - 98

H. CHARACTER - SABOTAGE

A. STATUTES

Title 18, USC, §§ 2387, 2388, and 2391

§ 2387. Activities affecting armed forces generally

"(a) Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:

"(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny or refusal of duty by any member of the military or naval forces of the United States; or

"(2) distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States --

"Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"(b) For the purposes of this section, the term 'military or naval forces of the United States' includes the Army of the United States, the Navy, Air Force, Marine Corps, Coast Guard, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel."

§ 2388. Activities affecting armed forces during war

"(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

"Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service of the U.S., or attempts to do so--

"Shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

"(b) If two or more persons conspire to violate subsection (a) of this section and one or more such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).

"(c) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States."

§ 2391. Temporary extension of section 2388

"The provisions of section 2388...in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950...or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under section 2388 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for."

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B. VIOLATIONS

1. § 2387

- a. A person with intent to interfere with, impair, or influence loyalty, morale, or discipline of military or naval forces of the U. S.
- b. Advised, counseled, urged, or in any manner caused insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the U. S., or
- c. Person with intent to interfere with, impair, or influence loyalty, morale, or discipline of military or naval forces of the U. S., did, or attempted to
- d. Distribute any written or printed matter which advised, counseled, or urged insubordination, disloyalty, mutiny, or refusal of duty by any member of military or naval forces of the U. S.

2. § 2388

- a. Person willfully made or conveyed false reports or statements when U. S. at war, or during period of extension of this section provided in section 2391 with intent to interfere with operation or success of military or naval forces of U. S. or with intent to promote success of its enemies, or
- b. Person willfully caused or attempted to cause when U. S. at war or during the period of extension of this section provided in section 2391 insubordination, disloyalty, mutiny, or refusal of duty in military or naval forces of U. S., or
- c. Person willfully obstructed the recruiting or enlistment service of U. S., when U. S. at war or during period of extension this section provided in section 2391, or
- d. Two or more persons conspire to violate this section and one or more such persons perform any act to effect the object of conspiracy, or
- e. Persons harboring or concealing any person, knowing or having reason to believe he committed or was about to commit offense under this section

C. DEPARTMENTAL OPINIONS

1. To assist in determining types of utterances which fall within prohibition of sedition statutes, Department of Justice has designated following types of statements as being within prohibition of statutes:
 - a. False statements of fact in time of war intended to interfere with the prosecution of war
 - b. Utterances in time of war which cause or attempt to cause insubordination in armed forces
 - c. Utterances which have the direct effect of obstructing enlistment or the operation of the draft
 - d. Advocacy of armed revolt or overthrow of Government by force and violence
2. Above types of utterances not considered all-inclusive of possibilities presented by sedition statutes but only guides

D. POLICY

1. Department of Justice has advised that USAs are not to authorize prosecution without prior departmental authority in each individual case; therefore no request should be made of USA for institution of prosecution. [Department has instructed, however, that in all cases involving sedition in which facts justify consideration copies of reports should be designated for the office of interested USA.]
2. Copies of reports will be referred to Department by Bureau for decisions relative to prosecution. Should the USA authorize prosecution, proceed in accordance with his instructions since it is presumed he will have complied and obtained prior authorization. Where such prosecutive action is authorized by a local USA and no advice from Bureau has been received indicating knowledge that this action has been approved by the Department, immediately advise by telephone or teletype of action taken. In order for Bureau to properly discharge its obligation to investigate all cases involving the distribution of seditious literature and be aware of all such publications, make necessary arrangements to be advised of all publications in your district which

might be considered seditious. Within 24 hours after seditious article reaches general public, each field office must prepare teletype summary of article for Bureau which must be followed by two copies of publication in which it appeared. Such articles will be of type which reflect race prejudice, anti-Semitism and material tending to cause disunity. Cover all meetings of organizations engaged in seditious activities and bring to attention of Bureau statements of seditious nature or having propaganda significance by most expeditious means warranted.

E. INVESTIGATIVE PROCEDURE

1. General

- a. Ascertain whether persons involved are civilian or uniformed personnel of Army, Navy or Air Force.
- b. Ascertain whether offense occurred on military or naval establishment, reservation, base, field, port or harbor, under jurisdiction of Army, Navy or Air Force or on merchant vessel commissioned in Navy or in service of Army or Navy.
- c. If so, communicate facts to proper official of Army or Navy or Air Force and conduct no investigation until a request is received through proper channels.
- d. General investigation should seek to establish identity and location of all witnesses. All persons present when words spoken should be interviewed immediately and made matter of record before lapse of time may impair effectiveness and probative value of their testimony.
- e. Important to establish in greatest detail factual setting in which language was used since necessary part of proof in sedition case.
- f. If member of armed forces present, ascertain name, address, rank, branch of service and serial number. If men having obligations under Selective Service Act present, ascertain locality, birth and selective service status of each such witness in addition to other identifiable information. Efforts should be made to determine whether or not speaker was aware of presence of member of armed forces or persons having obligation under draft laws.
- g. If speech was public in nature and delivered to audience, ascertain in detail circumstances under which made. Inquiry should establish whether speech was delivered extemporaneously or from prepared script. Inquiry should include date, time and place of occurrence, as well as chronology of events leading up to utterance of seditious statements. Ascertain age, sanity, sobriety and general demeanor of speaker. Manner in which words spoken has important bearing on speaker's intent and must be clearly established before facts will warrant prosecution. Determine if words addressed generally to all persons within sound of speaker's voice, were spoken without prompting or in response to a question and determine whether words expressed in a deliberate manner or in temperamental outburst.
- h. Witnesses should be asked to evaluate effect of language upon persons addressed. Inquire whether result of words was to arouse patriotic ardor of listeners or whether its effect was demoralizing.
- i. Determine whether alleged seditious words have been repeated by other persons since they were first uttered and with what results.
- j. Bear in mind possibility that this investigation may uncover other violations of existing statutes, such as failure to comply with postal regulations, income tax or registration law requirements.

2. Written or printed words

- a. Investigation of seditious statements appearing in written or printed material should include inquiries extending beyond analysis and examination of alleged seditious expressions themselves.
- b. If statements appear in a publication regularly issued, obtain copies of the publication circulated before and after issue in question and analyze from standpoint of ascertaining its seditious content and establishing criminal intent of prospective defendants.
- c. Analysis of seditious statements should seek to determine whether statements are in fact original or plagiarized reproduction or quotation from other sources.

- d. In some cases, it may be necessary to examine content of each issue for a period of several months to develop seditious character of publication. In such cases, analysis of any one issue may fail to disclose clearly seditious statements, whereas quantitative analysis of number of issues may establish constant emphasis and frequent repetition of same themes. Half-truths, continual slanting of facts, habitual dishonest presentation and interpretation of world and national events are cumulative in effect and may be seditious as a matter of law. Efforts should be made to establish repetition of same themes and same treatment of them in number of issues.
- e. Completely identify group or organization responsible for authorship, printing, and publication of printed or written material in question. Inquiry should not overlook possible collaboration, sponsorship, support, and financial assistance of outside individuals and other organizations. Consider possibility of subsidy and influence by foreign sources. Inquiry concerning foreign travel by principals involved in investigation should be made and circumstances under which travel undertaken fully developed.
- f. Examine books of account, financial statements, and credit reports of individual or organization under investigation, as well as organization records having to do with membership, dues, contributions, and correspondence.
- g. Deleted
- h. Take steps to locate and obtain records of printer as soon as possible. Printer's complete job envelope should be obtained and rough drafts and corrected drafts of printed material examined. Drafts may assist in establishing actual authorship of article, collaboration of others in its preparation, and that printed article is true reproduction of material submitted to printer.
- i. Examine mailing list or other compilation of names of persons to whom seditious material addressed or distributed. Ascertain manner in which list was compiled and source from which names obtained. Determine who is responsible for distribution of publications and whether intended to reach particular group, such as persons engaged in national defense industries. Ascertain whether persons responsible for circulation made any special efforts to distribute material among members of armed forces, or persons having obligations under Selective Service Act or relatives of such persons.
- j. Proof that publication reached specific identified members of above groups will aid in establishing that substantive evils which law seeks to prevent have resulted.
- k. Under first offense defined in Title 18, USC, § 2388, dealing with false reports or statements courts have held not necessary to prove such false reports or statements were made to persons who are or are liable to become members of the military forces.
- l. With reference to mailing lists, efforts should be made to determine whether issues of publication distributed to persons outside U. S.
- m. Determine if such publication exchanges mailing list or material with other suspect publications.
- n. Determine if persons receiving publication are paying or nonpaying subscribers.
- o. Large cities have legitimate concerns engaged in business of compiling mailing lists of particular or selected groups for advertising and other purposes. Inquiry should be made of such concerns to determine whether suspected individuals or organizations contracted for preparation of a mailing list.
- p. Determine from [U. S. Postal Service] whether prospective defendants have been granted second-class or other mailing privileges in connection with circulation of material under investigation. If privilege was granted, examine statements filed with Postmaster General concerning ownership, editorial control, and circulation.

F. VENUE

Department has advised no sedition case has raised question of venue. Venue must in all cases be determined by office of USA.

G. CLASSIFICATION - 14

H. CHARACTER - SEDITION

Where reports are prepared involving possible violation of sedition statutes and Selective Service Act, following rule as to character of case is to apply:

1. Where individual endeavors to counsel, aid, or abet another individual to evade provisions of Selective Service Act, case should be carried under character, "Selective Service Act."
2. Where an organization counsels, aids, or abets a group of individuals, character should be shown as "Selective Service Act - Sedition."

A. CONSTITUTIONAL PROVISIONS

Section 3, Article 3, of the Constitution of the United States provides: "Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. "The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture, except during the Life of the Person attainted."

B. STATUTES

1. Title 18, USC, § 2381. Treason
"Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined not less than \$10,000; and shall be incapable of holding any office under the United States."
2. Title 18, USC, § 2382. Misprision of treason
"Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined not more than \$1,000, or imprisoned not more than seven years, or both."

C. RELATED STATUTES

1. Title 18, USC, § 2389. Recruiting for service against United States
"Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same; or
"Whoever opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States--
"Shall be fined not more than \$1,000 or imprisoned not more than five years, or both."
2. Title 18, USC, § 2390. Enlistment to serve against the United States
"Whoever enlists or is engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined \$100 or imprisoned not more than three years, or both."
3. Title 18, USC, § 756. Internee of belligerent nation
"Whoever, within the jurisdiction of the United States, aids or entices any person belonging to the armed forces of a belligerent nation or faction who is interned in the United States in accordance with the law of nations, to escape or attempt to escape from the jurisdiction of the United States or from the limits of internment prescribed, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."
4. Title 18, USC, § 757. Prisoners of war or enemy aliens
"Whoever procures the escape of any prisoner of war held by the United States or any of its allies, or the escape of any person apprehended or interned as an enemy alien by the United States or any of its allies, or advises, connives at, aids, or assists in such escape, or aids, relieves, transports, harbors, conceals, shelters, protects, holds correspondence with, gives intelligence to, or otherwise assists any such prisoner of war or enemy alien, after his escape from custody, knowing him to be such prisoner of war or enemy alien, or attempts to commit or conspires to commit any of the above acts, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both."

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"The provisions of this section shall be in addition to and not in substitution for any other provision of law."

D. ELEMENTS

1. Treason

- a. Person must owe allegiance to the United States. Statute applicable to all persons owing allegiance to U. S., whether citizens or aliens, domiciled or residing in U. S. Law is clear that every individual owes fidelity and allegiance to Government in return for protection he receives from that Government. Citizen owes absolute and permanent allegiance to his Government until he renounces his citizenship and becomes citizen of another country.
- b. Person must have performed overt act of levying war against the U. S. Act of levying war against U. S., according to court decisions, interpreted as where men meet openly in armed array or in such crowds that mere numbers supply element of force which might otherwise be given by arms, with purpose or intention of nullifying or preventing execution of general law of Congress.

Resistance to U. S. in its sovereign capacity is essential element. To establish violation must have proof of prior agreement, intent, and of an overt act. Waging of war against U. S. requires overt acts in furtherance of a plan to overthrow the authority of the Government either in whole or in some territory or political subdivision. Overt act must be in furtherance of treasonable intent, and words, oral, written, or printed, however treasonable, seditious or criminal, of themselves do not constitute overt act within meaning of statute, or

- c. Person must have performed overt act of adhering to enemies of U. S., giving them aid and comfort within U. S., or elsewhere. Applies only to acts done after commencement of war which would aid or assist enemy or tend to weaken U. S. in its conduct of war, such as trading with enemy, selling or giving material or supplies to enemy, assisting enemy in physical conduct of war and furnishing information to enemy which would be of assistance to enemy or injury to U. S.

2. Misprision of treason

- a. Person owes allegiance to U. S.
- b. Person had knowledge of commission of act of treason.
- c. Person concealed this knowledge and did not immediately disclose it to President, some judge of the U. S., governor of particular state or judge or justice of a particular state.

E. INVESTIGATIVE PROCEDURE

1. Treason involves breach of allegiance and is highest crime known to this country. It is only crime embodied in the Constitution.
2. Constitution expressly provides that conviction for treason can be had only "on the testimony of two witnesses to the same overt act, or on confession in open court."
3. Treason differs from other crimes in that there are no accessories, all persons being regarded as principals.
4. Any evidence indicating possible violation of treason statute should receive immediate, continuous and preferred investigation. Bureau must be advised immediately of basic facts.
5. Informants or individuals who furnish information indicating possible violation of treason statute should be thoroughly and painstakingly interviewed to ascertain all available details as to words, acts, documents, letters, et cetera, upon which allegation of possible treason based.

6. Information received from any source indicating that firearms and ammunition are being collected for possible treasonous undertakings should be subject of immediate and thorough investigation to ascertain details concerning type of firearms and ammunition, source thereof, place of storage, and identity of individuals involved. Investigation must be pursued for purpose of definitely determining whether arms or ammunition actually being collected and stored in connection with treasonous plot or other possible violations within Bureau's jurisdiction, such as neutrality laws. Bureau should be immediately informed of any information received that organizations purporting to be rifle or gun clubs are, in reality, planning activities of treasonable nature. Such allegations should be subject to discreet investigation to determine basis for suspicion of treason. In latter connection necessary to ascertain following:
 - a. Identity of individuals responsible or sponsoring organization, together with information discreetly obtained concerning their citizenship, reliability, and loyalty.
 - b. All information indicating any connection between the organization and any foreign government, political party, individual, corporation, or other association. Also, any connection between group involved and groups, organizations, or individuals operating within U. S. and known to be disloyal to this Government.
 - c. Correct nature of activities of organization being undertaken. This may be ascertained by ordinary investigative efforts or utilization of confidential informants, surveillances, and other investigative techniques.
7. In the event specific evidence obtained indicating possible treasonable plot or undertaking, investigation must be pursued to determine entire ramifications of plot and identity of all individuals involved.
8. Actual investigative steps and methods will parallel those mentioned in other sections of this manual in connection with national defense matters.

F. POLICY

The Department of Justice must specifically authorize prosecution in each case. Inquiry concerning Department's decision should be sent to Bureau.

G. VENUE

1. Treason - where act committed and if committed outside U. S. in district where first brought or first found
2. Misprision of treason - where report of treason should have been made

H. CLASSIFICATION - 61

I. CHARACTER - TREASON or MISPRISION OF TREASON

A. STATUTE

Title 18, USC, § 2386. (The Voorhis Act was approved by the 76th Congress on 10-17-40, and it became effective on 1-15-41.)

§ 2386. Registration of certain organizations

This act provides that the following organizations shall be required to register with the Attorney General:

"Every organization subject to foreign control which engages in political activity;

"Every organization which engages both in civilian military activity and in political activity;

"Every organization subject to foreign control which engages in civilian military activity; and

"Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing."

This act specifically exempts certain other organizations from the requirement of registration, such as:

"(a) The armed forces of the United States, or

"(b) The organized militia or National Guard of any State, Territory, District, or possession of the United States, or

"(c) Any law-enforcement agency of the United States or of any Territory, District, or possession thereof, or of any State or political subdivision of a State, or of any agency or instrumentality of one or more States, or

"(d) Any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State, or

"(e) Any nationally recognized organization of persons who are veterans of the armed forces of the United States, or affiliates of such organizations."

The act outlines in detail the type of information desired in the registration statements.

B. STEP TAKEN BY COMMUNIST PARTY, USA, TO AVOID PROSECUTION UNDER THIS ACT

The Communist Party, USA, held a special convention in New York City on November 16 to 17, 1940. This convention declared "that the Communist Party of the USA in convention assembled, does hereby cancel and dissolve its organizational affiliation with the Communist International, as well as any and all other bodies of any kind outside the boundaries of the United States of America for the specific purpose of removing itself from the terms of the so-called Voorhis Act."

[C. DEPARTMENTAL POLICY

[In 1941, the Department considered holding grand jury hearings under this act at which leading Communist Party functionaries would be subpoenaed.]
 [The Japanese attack on Pearl Harbor stopped any action in this regard.]
 [When prosecutive action was initiated against the Communist Party and its top functionaries beginning in 1948, the Department selected the Smith Act of 1940 (Title 18, USC, § 2385) and the Internal Security Act of 1950 (Title 50, USC, §§ 781-816) rather than the Voorhis Act.]

D. VENUE

Where the violation is the failure to register, venue will lie only in the District of Columbia; however, aiders and abettors may be prosecuted in the district in which their criminal acts are performed, and conspiracy charges may be prosecuted in the district in which the conspiracy originates, or in which any overt act thereunder takes place.

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E. PENALTIES

"Whoever violates any of the provisions of this section shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"Whoever in a statement filed pursuant to this section willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made not misleading, shall be fined not more than \$2,000 or imprisoned not more than five years, or both."

F. CLASSIFICATION - 102

G. CHARACTER - VOORHIS ACT

A. INVESTIGATIONS OF EXTREMIST ORGANIZATIONS AND INDIVIDUALS

For the purpose of this section, extremist organizations and individuals relate to black extremists, Klan and white hate extremists and American Indian extremists.

[1. General Guidelines

a. Investigative Jurisdiction

FBI investigations under this section are based on specific statutory jurisdiction and Departmental instructions.

Investigations conducted under this section are to be directed to the gathering of material pertinent to a determination whether or not the subject has violated, or is engaged in activities which may result in a violation of one or more of the statutes enumerated below or in fulfillment of Departmental instructions.

There are three principal statutes which provide a basis for these investigations, as follows:

(1) Rebellion or insurrection (T18, USC, §2383)

"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States."

(2) Seditious conspiracy (T18, USC, §2384)

"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$20,000 or imprisoned not more than twenty years, or both."

(3) Advocating the overthrow of the Government (T18, USC, §2385).

"Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

"Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

"Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof--

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"Shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"If two or more persons conspire to commit any offense named in this section, each shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both; and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"As used in this section, the terms 'organizes' and 'organize', with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons." The courts have interpreted this statute to require advocacy to action, i.e., advocacy to do something, now or in the future, rather than merely to believe in something.

In addition to the three principal statutes outlined above, the following statute would pertain to investigations of Klan and other white hate groups.

(4) Civil Rights Act of 1968 (T18, USC, §241)

In summary, this statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States. Additionally, it prohibits two or more persons going in disguise on the highway or on the premises of another with intent to prevent or hinder his free exercise or enjoyment of any rights secured by the Constitution or the laws of the United States.

b. Prosecutive Determination

All discussions pertaining to the prosecutive potential of investigations initiated under this section will be conducted by FBIHQ with Departmental officials. These cases should not be discussed with local U. S. Attorney's office without FBIHQ approval.

c. Related Statutes

There are a number of other statutes under the FBI's investigative jurisdiction which should be borne in mind in handling these investigations. Information concerning possible violations of such statutes is frequently developed during these investigations. Where this occurs, the field should consider the desirability of conducting investigation in line with the policies and procedures governing the statute in question.

A list of other Federal statutes which may arise during these investigations is outlined in Subsection 9 of this section.

d. FBI Responsibility

The FBI has been charged by various Presidents with the responsibility to coordinate and collect all information relating to the internal security of the United States, including information from all other Federal and local agencies. See Section 102, Volume IV, of this manual. This coordination and collection responsibility is not to be confused with our jurisdictional authority for conducting active investigations, set out in A. 1. a. above.

e. The term "extremist activities" as used in this section denotes activities which are aimed at overthrowing, destroying, or undermining the government of the United States or any of its political subdivisions by illegal means or denying the rights of individuals under the Constitution prohibited by statutes enumerated in A. 1. a. above. The term "extremist organizations" denotes a group or movement which is known to engage in or advocate internal subversive or extremist activities as defined above.

f. Predication for Investigation

In all cases handled under the provisions of this section, the first communication prepared which indicates an investigation is being initiated (intraoffice memorandum, letter, airtel, teletype or report) should show specifically the statute upon which the investigation is based together with all the supporting facts. Such a predication must be included in the first communication to FBIHQ and the first report or LHM prepared in each case. Where investigation has been specifically requested by Department, this should be indicated in predication. The following examples are illustrative; however, the predication for each individual case must be tailored to the circumstances of such case.

- (1) "This investigation is based on information the subject's activities may be in violation of T18, USC, §2383 (Rebellion or insurrection) and §2384 (Seditious conspiracy). A source whose reliability has not been determined has informed that the subject is planning, along with others, to travel to Washington, D. C., on April 30, 1971, to participate in planned violent demonstrations during the first week in May, 1971, to 'shut down the Government.' Demonstration plans include the blocking of streets and highways, destruction of personal and Government property, and physical obstruction to prevent Government employees from reporting to work."
- (2) "This investigation is based on information the subject's activities may be in violation of T18, USC, §2385 (Advocating the overthrow of the Government). The subject is an admitted member (or has been identified as a member by a confidential source who has provided reliable information in the past) of (name of group). The (name of group) in its public statements and publications advocates the desirability and necessity of overthrowing the U. S. Government by force or violence, and the assassination of U. S. Government officers. The same source has reported that the subject actively supports these positions."
- (3) "This investigation is based on information the subject's activities may be in violation of T18, USC, §241 (Conspiracy to deprive a citizen of rights or privileges secured by the Constitution or the laws of the United States). The subject is an admitted member (or has been identified as a member by a confidential source who has provided reliable information in the past) of (name of group). The group has engaged in activities designed to deny certain classes of citizens their rights or privileges secured by the Constitution or the laws of the United States. The same source has reported that the subject actively supports this position."

If the statutory basis for an investigation should change or be expanded to include an additional statute or statutes, the first communication prepared subsequent to such change or expansion should specifically show such changes. Similarly, this information should be included in the next report or LHM prepared in the case.

g. Accuracy of Characterizations

Assure that statements relating to characterizations of an individual or organization, or relating to affiliations with or membership in any organization, are founded on a firm basis. Identify sources for such characterizations or statements of affiliation or membership if such characterizations, affiliations or memberships are not commonly and publicly known.

h. Preservation of Evidence

Whenever conducting investigation which involves possible prosecution, insure that admissible evidence is obtained and preserved.]

2. Investigations of Organizations

a. Criteria

Investigations should be limited to organizations which have, or allegedly have, engaged in or advocated extremist activities as defined in A. 1. a. above.

b. Scope of Investigation

It is essential that reliable and knowledgeable informant coverage be developed at all levels of organizations meeting investigative criteria. Pertinent information should be obtained and reported concerning the following:

(1) Identity of organization, including address, location of any post office boxes, phone number, and similar data regarding subsidiary units, if any.

(2) Charter, incorporation data, or other data regarding information of organization.

- (3) Identities of principal officers.
- (4) Membership information, including total formal membership and estimated number of active members. Reports by office of origin concerning national groups should include a breakdown of membership by states.
- (5) Objectives, as claimed by the organization and/or as determined through investigation.
- (6) Summary of pertinent activities, including:
 - (a) Acts of violence, terrorism or intimidation or pertinent statements advocating or promoting such activities.
 - (b) Other illegal actions.
 - (c) Acquisition of arms, ammunition, explosives, or other destructive devices.
 - (d) Number of meetings or rallies held, both public and closed. Include highlights with emphasis on information bearing on extremist character of the organization.
 - (e) Training and recruiting activities.
- (7) Finances, including pertinent data regarding bank accounts (include monthly balances if available) and source of income and expenditure.
- (8) Publications.
- (9) Foreign influence, if any.
- (10) Connections with other extremist, subversive or revolutionary groups.
- (11) Miscellaneous. Any information considered pertinent but not covered by the above.

c. Reporting Procedures

- (1) Frequency of reports. Submit initial report within 90 days. Thereafter, office of origin should submit annual nonprosecutive summary report (unless FBIHQ specifically directs that a different reporting schedule be followed). This report should provide comprehensive picture of national activities of the organization, including concise summary of pertinent data reported by auxiliary offices. Auxiliary offices should submit reports to reach FBIHQ and office of origin 45 days before the office of origin's annual nonprosecutive summary report is due. It will be the responsibility of the office of origin to appropriately advise auxiliary offices of the annual reporting schedule.
- (2) Submission of letterhead memorandums (LHMs). In addition to submission of reports as outlined above, all offices should on a continuing basis keep FBIHQ (and office of origin, where applicable) advised of significant information developed concerning the activities of extremist organization. This would include information concerning public rallies or demonstrations sponsored by group, information bearing on group's propensity for violence, acquisition of weapons, and information regarding secret financial contributions, domestic or foreign. Such data should normally be included in LHM and forwarded by airtel. However, if actual or imminent violence is involved, advise FBIHQ by telephone or teletype.

d. Administrative Detail

Administrative pages of reports or cover pages of LHM should specifically identify and state whether or not investigation being conducted regarding active members who are identified in a report or LHM. In the event no investigation is being conducted, appropriate justifications should be set forth.

e. Indexing Names

At the time the annual report is submitted on organizations, all offices should provide FBIHQ by letter with a list of individuals, with identifying data, who are members of extremist groups or unaffiliated extremists whose names have not been included in any prior communication to the Bureau. This is for indexing purposes at FBIHQ.

3. Investigations of Individuals

a. Criteria

Investigations should be initiated concerning following:

- (1) Officers of extremist organizations who are in policy-making positions or who are able to direct activities of other members of group.
- (2) All other members of extremist organization who have demonstrated propensity for violence.
- (3) Persons who, while not affiliated with extremist organization, have demonstrated strong extremist attitudes coupled with inclination to employ violence.

b. Scope of Investigation

Pertinent information should be obtained and reported concerning following:

- (1) Background information including: check of indices; birth data; residence and employment; military service, if any; selective service status, if applicable; marital status; educational background; arrest record, if any; description of automobile, including license number; photograph; FBI identification record; relatives; close associates; social security number; and physical description.
- (2) Connections with extremist organizations and pertinent information regarding extremist activities or sympathies.
- (3) Full details concerning subject's propensity for violence.
- (4) Interview of subject. The main purpose for interviewing subjects of extremist investigations is to develop intelligence information regarding extremist activities, Federal violations in which extremists may be involved, and the evaluation of the individual's extremist potential. SAC may authorize interviews with extremist organization members and officers up to state level or lesser office. SAC may also authorize interview of unaffiliated extremists.

Prior to interview of these individuals, conduct informant, arrest, and indices checks on individuals to be interviewed. Determine employment, establish not employed or connected with any sensitive area requiring FBIHQ authorization for interview, and prepare memorandum for SAC setting forth available facts. Each such interview should be personally approved by SAC.

Interviews with extremist subjects should be considered early in the investigation in the absence of any information dictating otherwise. If subject not interviewed, closing communication must show reason for not interviewing. Rank-and-file extremists may be interviewed on the authority of SAC, however, prior FBIHQ authority must be obtained for interviews of leaders of the extremist groups (state level or above), individuals of national prominence, civil rights organizations, educational institutions, news media, religious groups, or other sensitive areas. Prior

FBIHQ authority is also required for those subjects having an affiliation with known subversive groups or foreign powers. (Utilize FD-336)

(5) General

When good judgment dictates (i.e., for reasons of sensitivity or security), two Agents should be present at interview. The safety of Agents participating in interview should be paramount consideration in arranging circumstances under which interviews will be conducted. FBIHQ authority is not necessary prior to interview of extremist organization member in criminal or applicant-type cases; however, confine interview to subject matter of inquiry unless information concerning extremist organization is volunteered by interviewee.

[(6) Candidates for or occupants of elective public office
Instructions relating to investigations of individuals in above categories are contained in vol. III, sec. 87 C. 1 (f), of this manual.]

c. Reporting procedures

Initial investigation should be completed within 90 days after case is opened. Individuals investigated under these instructions should be considered for inclusion in the Administrative Index (ADEX) (see Section 87 Manual of Instructions for details). It is not desired that reports be submitted merely for the sake of reporting; however, it is the responsibility of the field to assure that all significant information is reported in a form suitable for dissemination on a current basis. Whether or not an extremist subject is placed in the ADEX is not the controlling investigative criteria. The investigative criteria should be followed as set forth in 3. a. above.

Our dissemination responsibilities should not be overlooked and FBIHQ and office of origin, where applicable, should be kept advised on a continuing basis of all significant or unusual activities on the part of subjects especially where substantive violations are involved. Submit such information by teletype (suitable for dissemination) or airtel accompanied by LHM depending on circumstances involved.

d. Informant development

If individual is cooperative upon interview and has potential as source, handle pursuant to instructions contained in Section 130, Volume IV of this manual.

e. Foreign influence

When an extremist subject travels abroad, advise the Bureau by teletype if situation so warrants, submit LHM containing details including passport information along with brief summary of extremist activities. Place stop with immigration authorities to assure notification of return and request that a search of luggage be made. Upon return, submit follow-up LHM and intensify investigation to determine subject's activities while abroad including contacts with any known extremists residing in countries in which traveled.

4. Extremist Photographic Album (EPA)

a. Purpose

Album maintained at each field office as aid in identifying individuals in extremist field who travel or are likely to travel extensively.

b. Individuals to be included

Leaders of Klan and similar white hate groups, leaders of American Indian extremist groups, and leaders of black extremist groups. Also include extremists who are fugitives in Bureau criminal cases, extremist informants who travel in behalf of their respective extremist organizations, and any unaffiliated extremist whose activities warrant.

- c. Procedure for including individuals in EPA
On FD-432 type required biographical data. Complete all items on form indicating "none" or "unknown" if applicable. Place original with photograph in individual's main case file. Prepare from original 16 Xerox copies for Bureau and one Xerox copy for each office, attach photograph to each copy and distribute by FD-432a.
- d. Procedure for amending information on FD-432
Prepare new FD-432 incorporating necessary changes and distribute by FD-432a. Use FD-432a to distribute up-to-date photographs of individuals included in EPA.
- e. Procedure for deleting individuals from EPA
Submit recommendation in communication to Bureau utilizing caption of individual. Following receipt of Bureau approval, advise all offices of deletion by FD-432a. On receipt of deletion notice remove FD-432 from EPA and destroy.
- f. Fugitives
FD-432 of extremist who is Bureau fugitive should not be marked "fugitive" since Album is for identification purposes only and is not to be used as basis for fugitive arrests.

[5. [Deleted]

6. Infiltration of law enforcement organizations

Any information developed regarding extremist affiliation on part of high-ranking officers of state police, sheriff's office, or local police departments should be furnished to FBIHQ along with your recommendation as to whether or not such information should be furnished on a confidential basis to the governor of state or some other appropriate local official. Consider advising head of law enforcement agency whenever a subordinate is involved.

No information should be furnished to the governor of the state or other appropriate local official and/or head of law enforcement agency without specific prior Bureau approval. The data furnished to such individuals should be furnished in writing and a draft of the proposed letter must be submitted for prior FBIHQ approval at the time of submitting your recommendation.

In preparing information for dissemination concerning extremist affiliation of law enforcement officers exercise care to protect informants and sources, confine information to data reported by sources who have furnished reliable information in the past, and do not include unfounded rumors. In preparing letter you should state that information is being furnished on confidential basis in view of official responsibilities of addressee. Letter should include statement that if any action is taken as a result of information, extremist affiliation should be established by independent investigation, as Bureau is unable to produce witnesses to testify at any hearing.

7. Dissemination

Results of investigation on extremist organizations or individuals should be furnished locally to Secret Service and to the local branches of other Federal investigative agencies having a clear-cut interest. (See section 87, Manual of instructions for more detailed instructions applicable to extremist investigation.)

8. Urban Guerrilla Warfare

(Similar instructions apply to section 87, Manual of Instructions, item C4.)

a. General investigative guidelines

Urban guerrilla warfare concerns terrorist activities against law enforcement and established institutions including:

- (1) "Expropriation" of property by robberies or burglaries.
- (2) Thefts of weapons, dynamite, or other materials appropriate for bomb manufacture.
- (3) Bombings of revolutionary-type targets, such as banks, oil refineries, police stations, military and government facilities.
- (4) Unprovoked attacks on and ambushes of police.
- (5) Armed attacks on police facilities.
- (6) Aircraft hijackings.
- (7) Political kidnappings.
- (8) Action to enable revolutionary prisoners to escape from confinement.

b. Investigations

(1) Purpose

- (a) To obtain sufficient data to identify terrorists, nature of their activities, and organization, if any, involved.
- (b) To insure appropriate prosecutive action of Federal violations involved.
- (c) To assess the urban guerrilla threat to internal security of country.
- (d) To keep Department and other appropriate Federal and local agencies advised on a continuing basis of these terrorists activities.

(2) General Policy

- (a) With occurrence of any incident containing possible or actual urban guerrilla warfare activity, a separate communication is to be promptly submitted to Bureau wherein a complete assessment is made as to whether or not the incident was in any way involved with extremist or revolutionary activity.

- I. If Bureau violation involved, one communication with caption including character for substantive violation followed by "Extremist Matters - Possible Urban Guerrilla Activities" or ["Subversive Matters]- Violence - Possible Urban Guerrilla Activities," whichever is appropriate.
 - II. If no Bureau substantive violation apparent, but indications of urban guerrilla activity are present, a new case is to be opened in the field and preliminary inquiries instituted to determine if extremists or revolutionaries are involved. Bureau to be advised by communication under a caption descriptive of incident, including character, but to include "Possible Urban Guerrilla Activity."
 - (A) Communication should set forth basis for inquiry.
 - (B) Contemplated investigation should be succinctly described.
- (b) When a significant instance of urban guerrilla activity takes place, Bureau will instruct appropriate field office to submit "Incident Profile" by airtel to all offices captioned "Urban Guerrilla Warfare, (Place and Date), [Extremist Matters (or Subversive Matters)]- Violence - Incident Profile," whichever is appropriate.
- I. Part I should describe incident and include identities of individuals involved as well as general modus operandi.
 - II. Part II should highlight newly learned or repeated indicators of urban guerrilla warfare with appropriate comments to assist all offices in identifying, investigating, and controlling urban guerrilla terrorists.
 - III. Offices receiving will insure indexing afforded same, and all appropriate personnel are notified of contents.
- (c) Results of investigation are to be submitted in form suitable for dissemination on a timely basis.
- I. If Bureau violation involved, initial report should contain character in addition to substantive violation involved as "Possible Urban Guerrilla Warfare." Three extra copies of such reports to be submitted to the Bureau in addition to number otherwise required.
 - II. If no Bureau violation involved, submit results by LHM under appropriate descriptive caption and character to include "Possible Urban Guerrilla Warfare." Five copies are to be submitted.
- (d) Reporting and investigating police killings involved in terrorists' acts are to be handled also in compliance with instructions set forth in Section 144, "Police Killings," of Manual of Instructions.
- (3) Data to be developed
- (a) Method of operation in committing terrorist acts or criminal activities.
 - (b) Identities of all individuals involved, determining background, extremist or revolutionary affiliations, associates, and contacts.

- (c) Identities of groups or persons assisting these terrorists such as couriers, providing "safe houses," supplying weapons or otherwise assisting.
 - (d) Methods of transportation.
 - (e) Communications systems and codes utilized.
 - (f) Revolutionary material possessed and source of same where possible. Furnish copies to Bureau.
 - (g) Manner in which false identification obtained and/or utilized.
 - (h) Possession of weapons and/or explosives and incendiary devices. Determine source of same.
 - I. Check NCIC, state and Federal firearms registries, and where possible, institute factory tracings to establish source of all weapons.
 - (i) Source of funds. Be alert to recent acts of expropriation which may have been committed locally.
 - (j) Association or affiliation with extremist or revolutionary groups.
- c. Investigative procedures
- (1) Recovered weapons and ammunition to be submitted FBI Laboratory for firearms identification examinations and appropriate comparisons.
 - (2) Ascertain origin of items of all false identification.
 - (3) Any handwriting located and/or handwriting specimens obtained should be submitted to FBI Laboratory for comparison against that in file of known extremists[and revolutionaries.]
 - (4) All latent prints obtained are to be sent FBI Identification Division for comparison against either Black Extremist or White Extremist sections of Latent Fingerprint File.
 - (5) NCIC is to be queried on all names utilized as well as that of true identities established.
 - (6) All telephone numbers utilized should be submitted to Data Processing Section for check of Computerized Telephone Number File.
 - (7) Where individual identified has not been subject of prior investigation, institute investigation promptly.
 - (8) Check all vehicles and license plates possessed by terrorists against NCIC and determine source.
 - (9) Maintain close liaison with local authorities.
 - (10) Informants and sources must be continuously targeted for development of information concerning urban guerrilla warfare acts as they are developed.
 - (11) Preplanned acts of violence uncovered must be afforded immediate investigation, reporting, and necessary dissemination.
 - (12) [Deleted]
- d. Coordination of urban guerrilla activities
- Responsibility for coordination of these matters to be placed on desk of field extremist supervisor in each office.
- (1) Coordination will involve analysis of pertinent data received from Bureau and other field divisions to insure indicators of this type of activity occurring in each division are promptly recognized and appropriate investigation instituted.
 - (2) Afford close liaison in these matters between all Agents regardless of assignment.

- (3) Maintain close liaison with local authorities to insure urban guerrilla activity is immediately referred to Bureau's attention.

9. Statutes

a. Department has noted possible applicability of following statutes to investigations of extremist matters. These should be borne in mind and possible violations should be promptly and vigorously investigated and Bureau kept advised of all developments. Detailed discussions of these violations appear in Manual of Instructions.

- (1) Rebellion or insurrection
Title 18, USC, § 2383
Proscribes the inciting or engaging in any rebellion or insurrection against authority of U. S.
- (2) Seditious conspiracy
Title 18, USC, § 2384
Proscribes conspiring to overthrow or to destroy by force the Government of U. S. or to oppose by force the authority thereof or by force prevent, hinder, or delay the execution of any law of U. S.
- (3) Advocating overthrow of Government
(Smith Act of 1940)
Title 18, USC, § 2385
Proscribes advocacy of overthrowing Government of U. S., or government of any state, territory, district, or possession thereof, or government of any political subdivision therein by force or violence.
- (4) Activities affecting armed forces during war
Title 18, USC, § 2388
Proscribes making or conveying a false report with intent to interfere with operation or success of U. S. military or naval forces or to promote success of its enemies, or counseling insubordination, disloyalty, or mutiny in the armed forces.
- (5) Selective Service Act
Title 50 App., USC, § 462
Violations most likely to be encountered are counseling, aiding or abetting, refusal or evasion of any duty under the act or regulations, and interfering with administration of act.
- (6) Travel and interstate transportation
 - (a) Title 18, USC, § 1952, covers interstate travel to commit arson.
 - (b) Title 18, USC, § 837, covers interstate transportation of explosives.
- (7) Assault or killing of Federal officers and employees
Title 18, USC, § 111, 1114, 2231.
- (8) Destruction of Government property
Title 18, USC, § 1361
- (9) National Firearms Act (Title 26, USC, §§ 5812, 5822, 5842, 5844, and 5861).
State Firearms Control Assistance Act (Title 18, USC, §§ 921-928)
Unlawful Possession or Receipt of Firearms Statute (Title 18 App., USC, §§ 1201-1203).
- (10) Crimes on Government reservations
Title 18, USC, §§ 13, 81, et al.
- (11) Antiriot laws
Title 18, USC, § 245 (b) (3),
Chapter 102 (§§ 2101-2102), and Chapter 12 (§§ 231-233).

- (12) Conspiracy
Title 18, USC, § 371
Department has emphasized importance of collecting and reporting all facts concerning possible schemes or conspiracies by any group of whatever size, effectiveness, or affiliation, to plan, promote, or aggravate riot activity.
- (13) Explosives and incendiary devices and bomb threats
Title 18, USC, § 844.
- (14) Act for the Protection of Foreign Officials and Official Guests of the United States.
- (15) Various Civil Rights Statutes.
- (16) Hobbs Act.
- (17) Registration Act.

10. CHARACTER

Extremist Matters character (abbreviated EM) should be used as follows:

- a. Organization
Extremist Matter
- b. Individuals
 - (1) John Doe
Extremist Matter - BPP
 - (2) John Doe
Extremist Matter - Klan
 - (3) John Doe
Extremist Matter - AIM
- c. Unaffiliated Extremists
 - (1) John Doe
Extremist Matter - Black Extremist
 - (2) John Doe
Extremist Matter - White Hate
 - (3) John Doe
Extremist Matter - American Indian

B. CIVIL UNREST

1. Responsibility of Bureau

Information concerning nationwide racial conditions and developing racial trends is required from intelligence standpoint. Any activities on part of individuals, groups, or organizations which present potential for riots, disturbances, demonstrations, or other incidents are of interest and should be reported to Bureau. Information of this nature should be disseminated to interested Government agencies locally, including Secret Service, military intelligence agencies of Army, Navy, and Air Force, and USA.

2. Policy

Investigation should be promptly conducted when information is received indicating possible violations have occurred within our investigative jurisdiction; however, primary jurisdiction over riots, disturbances or demonstrations rests with local authorities. Following are examples of activities within Bureau's investigative jurisdiction:

- a. Instances of possible civil rights violations.
- b. Criminal act or conspiracy constituting possible violation of statute within our jurisdiction (e.g., Sabotage, Theft of Government Property).

3. Reporting Procedures

- a. Pertinent information obtained regarding racial developments or trends having potential for violence should be furnished to Bureau and

- interested agencies by most timely method warranted under circumstances. Sources and informants should be alerted to promptly report information concerning any developing situations having potential for violence.
- b. Actual or threatened riots, disturbances, or disorders by individuals or organizations should be reported to Bureau by teletype unless circumstances warrant telephone call. Teletypes need not be followed by LHM provided all essential details, including statistical data regarding arrests, injuries, or property damages, can be included in teletype. Where submission of LHM is warranted, transmit by cover airtel before close of second workday following date information was received.
 - c. Teletypes should be prepared suitable for dissemination and should not include administrative data in body of communication. Include references and any further action being taken under administrative heading at end of teletype. Specifically state in administrative section if LHM follows. Cite in body of teletype pertinent local and Federal agencies notified. Record in file identities of agencies and individuals notified.
 - d. Other pertinent racial information should be submitted to Bureau in LHM by suitable cover communication. Public source information of unusual local or national importance should also be submitted by LHM, after contact with logical sources. Furnish Bureau copy of any article from newspapers or publications containing racial information of interest.
4. Liaison with local law enforcement
Information received which is within primary jurisdiction of local law enforcement authorities should be promptly furnished those agencies, together with supporting data from Bureau files which would be of interest and assistance, provided Bureau sources are fully protected. Where cogent reason exists for not furnishing local law enforcement agency information, such as possibility of jeopardizing informant, furnish facts to Bureau. Include your comments and recommendations for use of trustworthy intermediaries to advise local authorities.
5. Civil Unrest
Rumors of possible civil unrest or disorder should be immediately traced to original source, where possible, to determine validity of allegation. Contact other sources and informants to determine if information can be substantiated.
6. Riots
Where mob violence or rioting is threatened or erupts, immediately:
 - a. Establish liaison with appropriate city and state officials.
 - b. Furnish specific assignments to informants who could aid in furnishing pertinent information concerning causes or individuals responsible for mob violence or riot.
 - c. Determine and furnish to Bureau and appropriate local agencies identities of individuals or organizations responsible for such activities.
 - d. Keep Bureau advised of developments by teletype or telephone.
 - e. Furnish daily teletype summary.
7. [Semiannual] assessment of potential for violence in civil protest activity
In view of the possibility of civil disorders occurring in various types of protest activity, it is essential that the Bureau be fully aware of trouble spots where violence is most likely to erupt. This will require the maintenance of close contact with police officers, informants, and other sources for information regarding significant

developments which may have a bearing on the potential for violence in civil protest activity. In order for the Bureau to be currently knowledgeable of the overall civil unrest situation and the potential trouble spots, each office will submit on a [semiannual] basis an assessment of the potential for violence in its division. The quality of the assessment will be no better than the quality of sources (extremist, criminal, and security) who are contacted. Informant programs should be keyed to produce the results needed to discharge our responsibilities. The [semiannual] assessment should be submitted in the form of an LHM to reach the bureau by the fifth day of [April and October] of each year.

8. CLASSIFICATION - 157

9. CHARACTER AND TITLE.

Title of case should be descriptive of activities involved followed by character "Civil Unrest."